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ABSTRACT

This volume represents a continuation of the case studies begun in the first of a three-volume series addressed to decision making in the agencies of juvenile justice. Three separate juvenile offense cases are presented and discussed from the time police first become aware of them, through probation, and to their final disposition by the court. The decisions made at each level are followed by a series of discussions highlighting some of the problems involved, and readings which are relevant to the decisions are incorporated. Related volumes are available as VT 014 825 and VT 014 827 in this issue. (SB)

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Vol.2
case three
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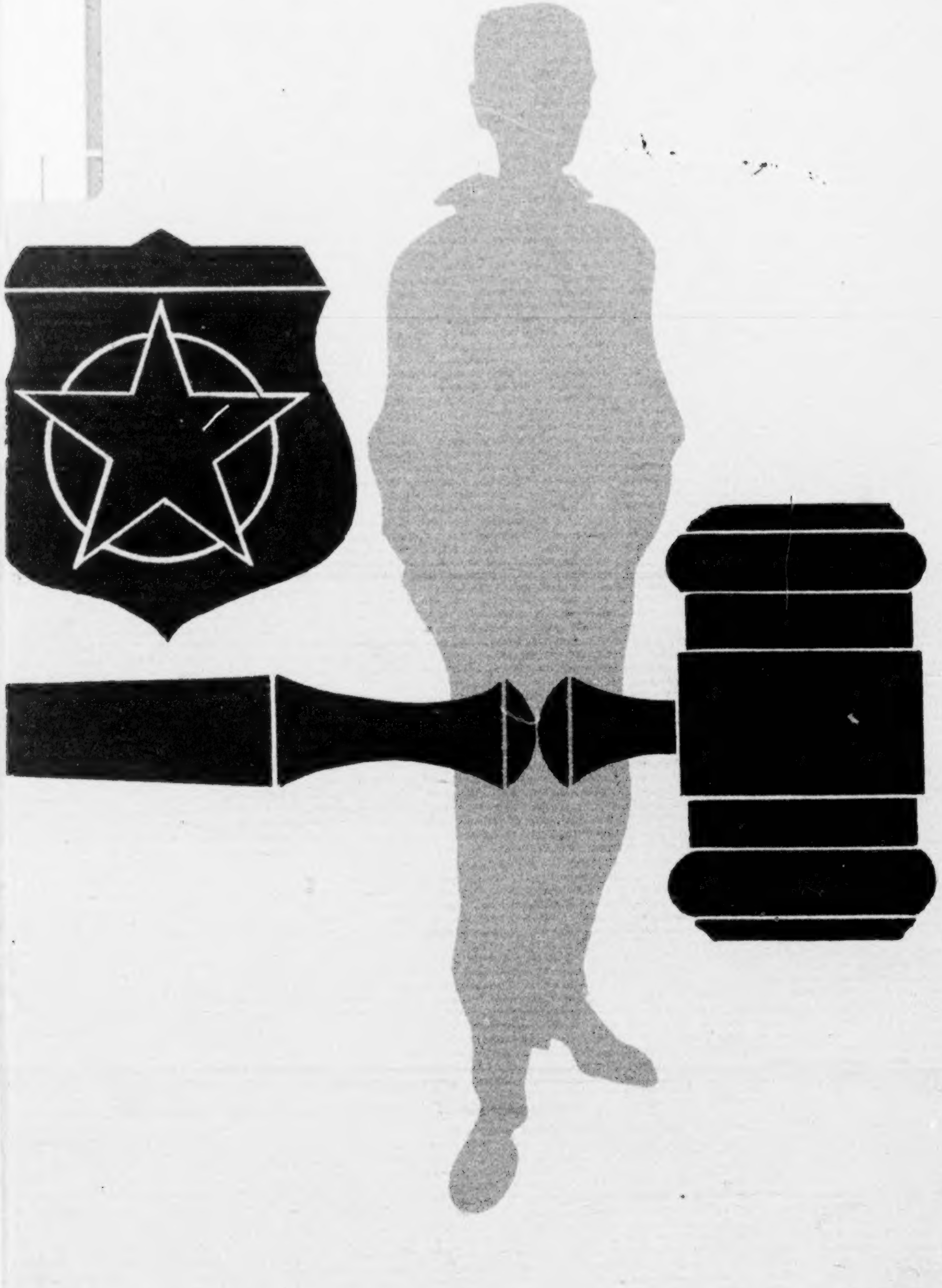

The HANDLING of JUVENILES from OFFENSE to DISPOSITION

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Vol.2
case three
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case five

The HANDLING of JUVENILES from OFFENSE to DISPOSITION

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CASE THREE

Purse Snatching

First Setting

Police Station, later the same evening; the desk sergeant is discussing with the arresting officer possible dispositions in a purse-snatching case involving two boys.

Characters

Sgt. Mike Keats	Juvenile Bureau
Brant Mottar	Arresting Officer
Mrs. Roach	Complainant (victim)
Ralph James	Juvenile Offender
Matthew Johnson	Juvenile Offender

It was about 10:30 p.m. Ever since Officer Brant Mottar brought in the three youngsters involved in the lavatory case, he had been working on a purse snatching involving two 15-year-old Negro youths, Ralph James and Matthew Johnson. He came out for a chat with Sergeant Keats.

The Sergeant took out a pack of cigarettes, offered one to Patrolman Mottar and lighted them both.

"What do you think, Mike? That James is a bad actor. Was he as bad-mouthed with you as he was with me on the way down here?"

Sergeant Keats sat down next to Mottar. The two were old friends who had worked together since high school.

"You know, Brant, all that noise is a front. He's beginning to get a little nervous now, and I think he's scared."

"He was talking pretty tough when I last saw him. How about the Johnson boy? He seems like a quiet kid. How does he fit in with James?"

"I don't know. As long as you're here and still interested, come into the office and fill me in on the reports."

"Well, about 8:20 p.m. I was driving down Hawthorne Avenue when I was flagged down by an old lady screaming at the top of her voice that a boy stole her purse with her rent money in it. I told her to get in, and we'd try to find the boy. Down the street we saw these two Negro boys walking along Hawthorne."

"I approached the boys. The woman remembered that the boy who had stolen her purse was a Negro but that there was only one. When I came up one of the boys ran and the other stayed still. I chased the boy and caught him in an alley. I put both boys in the car and talked to them. Johnson didn't seem to be involved so I let him go. He said he had just met James. Of course, I brought James in. He's been in trouble before. Here are the reports."

* * * * *

Notification of OFFENSE REPORT
Osborne City - Howard County

Copy to Division

ACTION

OFFENSE REPORT

OFFENSE NO. 10003	DATE REPORTED Sept 20, 1963	TIME REPORTED 8 20 P	TAKEN BY Mottar
DIVISION NO. 10501	DATE REFERRED Sept 20, 1963	TIME REFERRED 8 20 P	TAKEN BY Mottar

ORIGIN OF REPORT Public	NAME S.J Roach	ADDRESS 560 Hawthorne	PHONE CL-3-2107

REPORT officer stopped on Hawthorne and Dorset by Miss Roach. Complained of purse snatch by Negro youth.	RELATED OFFENSE REPORTS

ACTION TAKEN

DIVISION Juvenile	DATE Sept 20, 1963	TIME 8.45 P	TAKEN BY C Mottar

SUSPECT	ADDRESS	PHONE	PROCESS REPORT NO.
Ralph James	1706 Devon	CL-3-2246	
Matthew Johnson	209 Washington	CL-3-8125	

WITNESS	ADDRESS	PHONE	OCCUPATION

REPORT Miss Roach taken in patrol car drove to Milton Sq. Identified suspect with another boy on Hawthorne & Kent. James dropped something & fled into blind alley where apprehended - Johnson remained on Hawthorne until apprehended

DISPOSITION	DATE	TIME	MADE BY

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation
☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

NAME Ralph James
ADDRESS 1706 Devon
PHONE CL-5-2246

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
6/18/47	ALH	M	W	16	5'9"	145	Br	Bl	Dk

DRESS, SCARS, ETC. Scar - right wrist

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Rivault	11	Sept 20, 1962	8 P	Hawthorne	PC 211

REASON FOR CONTACT Robbery - purse snatch

REFERENCE NUMBERS (FILES) 5- 10501

DETAILS OF CONTACT Woman stopped pts. of Comp. of purse snatch. Identified subject - apprehended after chase

NAME OF ARRESTING OFFICERS (OR CITIZENS) Mrs S. J Roach B Mattar

BADGE NUMBERS (OR ADDRESSES) 560 Hawthorne #074

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on ____________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

Offense No. 15003
Juv. Bur. No. 10501
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

FIELD SECTION

NAME (Last) (First) (Middle)	Sex	Age	Race	Offense
James Ralph	M	16	N	PC211

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
2	Hawthorne	Hawthorne	Yes	No	

COMPLAINANT	ADDRESS	PHONE
S. J. Roach	560 Hawthorne	CL 3-2017

WITNESSES	ADDRESSES	PHONES
None		

DETAILS OF PICKUP
8:20: Stopped on patrol by complainant - claiming Negro boy grabbed her purse and ran toward Milton Sq. Later 2 Negro boys seen walking on Hawthorne. One dropped an article and fled down a blind alley. The other remained. After firing one shot in the air the first boy stopped. Talked to both boys in the car. First held for Juv. Bur. Second released.

	Date	Time
Pickup	9/20	8:20
Juv. Bur.	9/20	8:45
Parents Not.		
Release		
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS
Brant Mottar
TRANSPORTING OFFICERS

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL	MARKS, SCARS, TATTOOS
	6/18/47	Ala.	5'9"	145	Br.	Blk.	Dark	Scar on right wrist

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH (ADULT)	ADDRESS	PHONE	RELATION
Rivault	Jr.11	C ave	Yes	Mandy James	1706 Devon	CL 3-2246	Mother

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
Matthew Johnson	N	15	M	209 Washington	---

NAT. FATHER	ADDRESS
Sam James	Unknown
NAT. MOTHER	**ADDRESS**
Mandy James	Above

PRINTED	PHOTO	INVEST. OFF.
Yes	No	Mottar

REMARKS Disclosed by suspect James that associate Johnson also involved in robbery. 10:00 picked Johnson up at home. Johnson also admits 5 other similar thefts

RELATED FILE NUMBERS

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED

RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)

FATHER FIGURE	ADDRESS	PHONE
MOTHER FIGURE	**ADDRESS**	**PHONE**
CUSTODIAN (IF OTHER)	**ADDRESS**	**PHONE**

STEPFATHER
STEPMOTHER

NO. OF SIBLINGS
M ( ) F ( )

REMARKS

"Here are our records on James - Not much, although he says he was picked up a couple of times by the Blomville Police. Probation will have a record of that, I suppose."

* * * * *

Offense No. 77591
Juv. Bur. No. 8491
Juv. Hall No.
Prob. Off. No.

JUVENILE PROCESSING REPORT
Osborne City - Howard County

REC

FIELD SECTION

NAME (Last)	(First)	(Middle)	Sex	Age	Race	Offense
James	Ralph		M	15	N	PC417

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
1	Rivault H.S.	Rivault H.S.	No	Yes	

COMPLAINANT	ADDRESS	PHONE
A. Stephens	Rivault H.S.	CL 6-3314

WITNESSES	ADDRESSES	PHONES
Keith Bryan	100 Astoria	CL 6-0247

	Date	Time
Pickup	4/12/62	2:30 pm
Juv. Bur.	4/12/62	3 pm
Parents Not.	4/12/62	3 pm
Release		
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

DETAILS OF PICKUP
Ralph James reported to have threatened Donald Dickson with a knife. Investigated James and Dickson at Rivault H.S. in presence of ¢ Vice Principal. James adamantly denies offense but Keith Bryan was witness to entire episode. No weapon found on James

PICKUP OFFICERS
Jack Fowler
TRANSPORTING OFFICERS

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL	MARKS, SCARS, TATTOOS
	6/18/47	Ala.	5'8"	135	Br	Bl	Dark	Scar-right wrist

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH (ADULT)	ADDRESS	PHONE	RELATION
Rivault	10	¢-ave.	Yes	Mandy James	1706 Devon	CL 3-2246	Mother

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
None					

NAT. FATHER	ADDRESS
Sam James	Unknown
NAT. MOTHER	ADDRESS
Mandy James	Above

PRINTED	PHOTO	INVEST. OFF.

REMARKS
Case closed after Officer Fowler reprimanded in presence of Vice Principal Stephens.

RELATED FILE NUMBERS

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED

RELIGION
MED/DENTAL PROBLEMS (EXPLAIN)

	ADDRESS	PHONE
FATHER FIGURE		
MOTHER FIGURE		
CUSTODIAN (IF OTHER)		

STEPFATHER
STEPMOTHER
NO. OF SIBLINGS
M ( ) F ( )

REMARKS
Police reprimand and release

"Well, Mike, did I leave anything out? This Juvenile Contact Report form is easy enough to fill out, but I might have skipped over something."

"An old man like you. I thought you invented forms. No, this looks OK. This boy James seems to be the explosive type, doesn't he? He doesn't care about what he's done to an old lady; just a tough kid out for kicks. You'd better detain him in custody. He'd probably leave here and get three purses on his way home."

"Sure he would. How about washing his mouth out with soap? That boy has quite a vocabulary. What do you think he's fighting?"

"Let the Probation Department worry about that. Some of these kids are way beyond me."

"The kid with him was Matt Johnson. It didn't look like he was involved when I stopped them on the street. He didn't run, and he was cooperative enough. Said he'd just met James. It wasn't until I started to interview James that I found out Johnson was involved too. So I went to his house and talked to him. I didn't think it was worth bringing him in, but I gave him a Notice to Appear and got his mother to sign. Here it is."

ACTION

JUVENILE CONTACT REPORT
Osborne City Police Department

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☑ Sta~~tion~~
Interrogation

☐ Field

NAME Matthew Johnson
ADDRESS 209 Washington
PHONE CL-3-8125

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
4/27/48	CAL	M	N	15	5'5"	120	Br	Bl	Dk

DRESS, SCARS, ETC. none

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Rivault	Soph	20 Sept 63	10 PM	Home	PC 211

REASON FOR CONTACT suspect robbery (purse snatch)

DETAILS OF CONTACT picked up at home after confession of accomplice

REFERENCE NUMBERS (FILES)

NAME OF ARRESTING OFFICERS (OR CITIZENS) Brant Mattar

BADGE NUMBERS (OR ADDRESSES) 074

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at 9 ~~pm~~/am on Sept 25

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed H Johnson Parent

Signed Matthew Johnson Minor

"Even though Johnson hasn't been in trouble with the police before, this is a serious offense. He doesn't seem to have much to do with the incident. I think he's a follower going along with his big bad buddy."

"He seems like a good kid who got fouled up with the wrong guy. He was very quiet in the police car on the way down here."

"I suppose it's O.K. to release Johnson with a citation to appear before the probation officer. I think it would be safe to leave him at home until the probation officer interviews him. What do you think, Brant?"

"No, I don't think he'll cause any more trouble as long as James is kept in custody. He's a follower, all right, and James led him on."

* * * * *

DISCUSSION

This case is fraught with racial overtones. The many problems which arise as the result of conflicts between different cultures are treated at greater length in the Readings. Certain points which touch on social questions will emerge in the discussion of this case, but we can do little justice to the immensity of the problem with which society is presently faced by discussing it here.

Robbery and purse snatching are serious offenses. They may be accompanied by violence which does permanent physical, mental, and emotional damage. It is only natural, therefore, that society should take strong action on such offenses even when juveniles are concerned. This is one of the instances in which the demands made by the citizen come in conflict with the intent of the juvenile law; it is also an example of the many pressures which affect the police. When the public peace is threatened, the police officer must remember that his primary duty is to preserve it.

It is conventional to believe that the course of justice is not subject to external pressures. Ideally, the crime, the previous history of the offender, and the penalty prescribed by law should be the only considerations which influence the handling of the case. When juveniles are concerned, the philosophy of the law requires that the history and interest of the child should govern.

It will not come as a shock, even to the novice, to find that external pressures exist which can deflect the course of justice away from the supposed ideal. Some of these pressures are legitimate because they are in the interest of the child, although they may not seem so at first sight.

For example, on the rare occasion when a policeman happens to know that Juvenile Hall is overcrowded, he may let this determine that a child will be reprimanded and released rather than cited to appear. An officer can make a more responsible decision if he knows the conditions at Juvenile Hall and the state of the juvenile court calendar. In a word, the more he knows about the process of which he is part, the more effective he will be.

Sometimes it may not be in the child's interest to make him wait in suspense for two or three weeks until an overcrowded and overworked probation department can call him in for an interview. By that time the child may no longer be impressed by the seriousness of the offense or, more likely, he may have brooded or boasted about his offense, neither of which is to be desired. The policeman must decide whether an official reprimand and release on the spot, with the parents present, would have a more salutary effect.

The officer must weigh the chances of a particular youth continuing to be a danger to himself or to others if he is released on a Notice to Appear. The alternative is to request that he be detained in Juvenile Hall, which is perhaps the ideal solution. But what if the Hall is overcrowded; what if some of his cronies are there and he is likely to become a source of trouble? The officer must weigh these factors too.

If an officer decides to take a youth to Juvenile Hall, he should be very careful about what he says. It is easy to make threats about what will happen in the Hall, just to keep the youngster quiet, but such threats may have a far-reaching effect. If they are not fulfilled by the probation department, the youngster will begin to distrust both the police and probation deputies, the one for lying to him and the other for not living up to his expectations. Irresponsible statements can be magnified by the youngster into facts of major importance. Youngsters frequently hear only what they want to hear.

These are some instances of influences which work in the child's interest. But what of the pressures which are in society's interests? How much attention should be given to them and how much do they affect the philosophy of the juvenile court law? When a prominent citizen is the victim of a particularly outrageous crime, when an officer has been made to look foolish, when business firms make threats because they have suffered from vandalism, when the newspapers are highly critical, what can the police officer or probation officer do? The truth is that he can do very little.

These matters are decided at higher levels. When public pressure forces his superiors to make a decision which seems unwise to the operating officer, he must recognize that it is usually society which demands this action.

> To see how the police look at themselves and the pressures that are exerted by society to influence their actions, see pages 26-30.

We do not endorse these pressures because we believe they are opposed to the basic philosophy of the juvenile court law; we merely point to their existence and to the serious effect they can have. It is up to the officer to be prepared to recognize them and to take them in his stride.

In a purse-snatching offense, delivery to Juvenile Hall is the usual practice. For Ralph James, it was automatic since he had a record with OCPD. If he had not had a record, probation and the Blomville police should have been asked for information about him. This is the sort of situation in which good interdepartmental liaison counts for a great deal and a central juvenile index is invaluable. However, in this case, James' bad record made his disposition certain.

It was more difficult to determine whether the Johnson boy should be taken to Juvenile Hall, but Mottar acted within his discretion when he let him go. He was not able to question the boy effectively in the car; furthermore, Johnson had nothing on him and he had not attempted to run.

It was not until James was interviewed in more favorable surroundings that his complicity began to be evident. By that time he had probably been able to think things over.

According to the books, the ideal place for an interview is an office with no windows and no other distractions such as a phone. Only a desk, two chairs, and good lighting are needed. If any police station has such a room, it is probably occupied by the chief.

The ideal situation falls so far short of reality that it may as well be forgotten. The police officer must make do with what he has, and strive within these limitations for a minimum of distraction and a maximum of privacy (although he must remember that in many cases it is advisable to have a witness present, especially when girls are being interviewed.)

Convenient places away from the station are usually available. The office of the school principal or dean is a familiar setting for many youngsters who must be interviewed. The nurse's room in the school is also a good place, especially for girls, and school corridors can be surprisingly private. On the street, the patrol car is useful for interviews. Sometimes the police radio can be used to set an interview going, and even to terminate one.

In shoplifting cases or break-ins, there is usually a small office, for example, a manager's office, which can be used. If the child is in his home, do not interview him in front of his parents, he should be taken to a room where he can talk without the risk of being overheard. The boy's own bedroom is a good place since it is full of familiar objects which will not serve as distractions.

If the officer shows that he wants to help the child, the juvenile will respond with some degree of trust. His trust must not be betrayed. If the officer lies, or lets the child down in a less direct way, the news will spread. All officers will be distrusted and all interviews will become less fruitful. Future relations of officers and juvenile offenders will be seriously impaired.

Within the framework of helpfulness and trust, several techniques are useful. Be sympathetic: Many youngsters get little sympathy at home. Work in the child's best interests: all too frequently no one else cares much about him. Many kids like to boast of their exploits: let them talk. Others will talk a great deal if they believe they are telling you something you do not already know. Some children need stern treatment, and some need help, especially when they don't want their parents to know what they have done. Talking about the trouble they are in helps to get facts straight. The policeman can volunteer to tell the parents. It's up to him to determine how and when to tell them, but he should do it in such a way that he allays fears and keeps them calm. Remember that a juvenile officer contacts parents every day of his life, but most parents never have more than one official contact with a policeman and to them it is a special occasion and a frightening one.

In sex cases, youngsters are often at a loss for words. They know very well what happened but they also know that their vocabulary is not "respectable" and often they will have to be helped out with the "proper" word. Sex cases can be difficult, and when girls or young children are concerned they are best left to policewomen. When a group of youths is involved in an offense, it is best to interview them separately, but it is sometimes advisable to talk to the whole group later when you have the knowledge gained from interviewing each member. Thus you will be able to play off one member of the group against another and possibly obtain further information.

One word of warning to newcomers to juvenile work. Do not expect to succeed the first time. Interviewing youngsters takes time and patience and you will be conned occasionally. Our advice is to be aware of the pitfalls and to persevere.

There are several points in this case which deserve further comment.

The abusive language which Ralph James was reported to have used may be no more than the normal vocabulary of his culture. What is abnormal in one society is commonplace in another.

Anthropologists have emphasized the importance of recognizing cultural factors in dealing with problems in our own American society. Such groups as Puerto Ricans, Italians, and Negroes often have a cultural system as rigid as that of a primitive society in New Guinea. Such cultural systems are characterized by a set of behavior patterns and attitudes shared by all members. These attitudes and behavior patterns, and not those of the surrounding or dominant culture, are the ones considered right and "moral" by the group members. It is not possible to understand the actions of an individual if you do not understand his cultural system, or subculture: you cannot judge an iceberg by its visible fraction above the water. You must know the values a subculture imposes upon its members and how they differ from your own values; you must examine the member's actions from within his group.

For example, "the culture of the gang" is a term commonly used to describe a social group with a culture which values an erratic street-corner existence, strong comradeship, and immediate emotional gratification through excitement and daring action deemed immoral and improper by the larger society. This subculture has behavior patterns and attitudes distinctly different from those of the dominant middle-class culture which values ambition, achievement, education, etc. Workers in social welfare, law enforcement, education, and other fields often judge people from different cultural groups by their own middle-class values, a method as foolish as telling time with a yardstick. And the results are equally absurd and useless. These cultures are not simply disorganized, wayward, or inferior versions of middle-class culture; they have a set of positive beliefs to which their members adhere. We must see the actions of such groups as logical within their own cultural context.

For a study of the beliefs, attitudes and values of cultures and subcultures within the American society, see pages 31-38.

And we must not think that a culture is bad because it differs from our own.

Juveniles should be detained by the police for as short a time as possible, certainly no longer than necessary to complete the preliminary investigation. A youth who is not officially detained, within 48 hours of arrest, by order of the judge or his appointed representative must be released. The 48 hours begin at the moment he is stopped by the police officer or patrolman on the street. It is imperative that the time be recorded accurately for the probation department so that the petition can be filed and the detention hearing held within the allotted time.

Apart from the legal aspects of detention, one must ask how it affects the child. Half an hour in a detention room may not seem a long time to the busy officer, but to the child it can be a frightening thing. If the child is over-anxious or fretful, a period of detention at the police station may have a harmful effect. The officer must be the judge of that, but he must also be aware of the possibilities, and the risk is a grave one for any man to assume. If the child must be detained further (for example, when the parents cannot be found or will not take him home), the case should be turned over to the probation department which has the proper facilities for taking care of the child.

The citation is a legal document and should be signed by the parent or legal guardian of the minor. Only in this way can attendance at the probation department be assured. For the benefit of the juvenile, as well as for economic reasons, it is preferable that citations be used as much as possible as long as community safety is not compromised. A more serious offense will warrant an earlier appearance date.

Matthew Johnson had no previous record and his behavior did not give rise to any suspicion that he would flee or be a danger to others. However, when it became evident that he was implicated, a second interview and a Notice to Appear became necessary.

Perhaps in Johnson's case, more information should have been sought. What would you have done?

Mottar mentioned in his conversation that he had to chase James, and the processing report stated that a shot was fired to stop him. Should Mottar have fired? This question is well worth considering.

The police officer in the heat of action must remember an important fact about juveniles -- they are not geographically mobile. They can usually be picked up in a day or two, and if they flee the neighborhood they will usually be found within two months. The reasons for this are not difficult to see.

Consider the boy who escapes after committing a crime. Where can he go? His best chance is to return home and behave as if nothing has happened. But what does he do if he is scared, positive that he has been recognized and that the police will be calling for him? At first, he avoids places where he can be found--home or school or his usual haunts--and he is then reported missing. He must eat, and that means he will commit another crime, which increases his chances of being caught, or he will look for his friends. After a few days, a boy nearly always seeks old company in familiar places, either outside the school or in the usual hangouts. If he tries to leave town, the highway patrol may pick him up for hitchhiking; if he reaches another city, the local police may pick him up for loitering or for curfew violations. Frequently he goes to relatives who return him.

The inability of the juvenile to move fast and far from his home or home town plus the certainty that he will eventually be caught, means that the officer should heed two important precepts: Never shoot at a juvenile except in self-defense and never give hot pursuit to a juvenile in an auto. (This presupposes, of course, that the suspect is known to be a juvenile.)

Apart from the danger of hitting an innocent person, the repercussions of shooting at a juvenile are enormous. A policeman who kills a youngster is severely affected emotionally. Even if no one is hurt, a shooting incident will receive wide and damaging publicity; wounding or killing a juvenile will undo years of good community relations.

Shooting is not worth the risk since the boy will certainly be found sooner or later. Hot pursuit also is not worth the risk. In the panic of a chase, even a competent and experienced driver is an extreme hazard to public safety, and juveniles are seldom competent or experienced. Youths seldom commit crimes serious enough to warrant endangering the lives of other citizens. Let a juvenile go, for he will be caught later; the gain of catching him immediately is small and the risk is great.

One would not expect an old hand like Mottar to behave this way, but remember that sometimes "old hands" have "behaved this way" for so long that they do not change very easily.

One of the tasks of a juvenile officer is to help older members of the department understand the intent of the juvenile court law.

The effectiveness of the juvenile bureau depends to a great extent on the full cooperation of the rest of the department. Although the bureau's function is defined by policy and by general orders, it is successful only when the rest of the department approves of its actions. Thus, the bureau which sees itself as specializing in the way in which robbery and homicide details do, will find itself having to do without a great deal of help from patrol.

The juvenile bureau is, in effect, a police department within a police department. It provides services for all other sections of the department whenever juveniles are concerned, and, in return, all matters involving juveniles are brought to its attention. Close cooperation with the other divisions is essential, and this is best obtained by being on friendly terms, by encouraging members of patrol and other divisions to call in when they are in doubt, and, above all, by not patronizing them.

It is easy enough to disseminate new information and procedures through formal channels, e.g., general orders and line-up training. When a good informal understanding exists, you can then make sure, through informal liaison, that the importance of the procedures is fully understood.

Patrolmen and command officers alike should be encouraged to call the juvenile bureau for help and advice. Even the most trivial inquiry deserves a friendly reply from the juvenile officer. Encourage telephone calls and give what help you can in such a way that the recipient will not hesitate to call again. Only in this way can the juvenile bureau perform its job and be given the recognition it deserves within the department.

For a look at the positive and negative values of the environment of the "Culturally Deprived Child" see pages 39-43.

Let us note one last thing in this case. Ralph James lived with his mother and his father's whereabouts were not known. Among Negroes who have recently migrated from the South, you will frequently find that the family structure is quite different from the one to which you are accustomed. This does not mean that it is bad or inferior in an abstract sense (although adherence to it does not facilitate transition to the new environment.) The family structure found among lower-class Negroes is termed "matriarchal" by anthropologists and sociologists, i.e., the family centers around the mother. There is often no father who occupies a permanent place in the family.

Many factors have contributed to the creation of this type of family, some of them stemming directly from American history. The family unit can be a source of resistance to new ways; consequently, in the days of slavery, slave owners separated families. Since slaves were worth a good deal of money, slave owners, many of whom had no other business, insisted that Negro women bear many children. The larger a family becomes, the more likely it is that the mother will be its most important member. This is the family structure which Negroes bring with them when they migrate from the South, and the police and other agencies of justice must deal with it when they are in contact with minority groups. The economic patterns of the North tend to reinforce this structure. It is easier for Negro women than for their men to get work and consequently the man has to struggle to achieve status within the family.

A matriarchal family must not be thought of as "bad" or "wrong." It is a viable unit, it works; in fact, it may sometimes prove more versatile than the prevailing nuclear family of the middle class, i.e., a family which has a nucleus of two permanent adults.

A failure to understand the matriarchal family structure can produce enormous problems. Consider, for instance, the usual practice of releasing a child to the parents with an official reprimand. If there is no father in the family, it is very likely that the mother will be working during a good part of the day and evening in order to earn enough money to keep the house going and it may be hard to contact her.The agencies of our society have not yet been able to accommodate themselves to this different family structure, and the result is that many juveniles are detained in Juvenile Hall because the parents cannot be located. However, an interesting feature of the matriarchal family is that it often has many ramifications or branches which spread out through the community and which help to sustain it. Some of these extended families are quite capable of looking after themselves and their youngsters by utilizing a "parent" system of cousins and aunts and grandmothers. When you are handling a child who comes from such a family, question him closely to determine whether there is anyone to whom he can be released safely.

From William A. Westley, "Violence and the Police," The American Journal of Sociology (University of Chicago Press), Vol. LIX, No. 1 (July 1953), pp. 34-35, and "Secrecy and the Police," Social Forces (University of North Carolina Press), Vol. 34, No. 3 (March 1956) pp. 254-255. Reprinted by permission.

INTRODUCTION

There are certain aspects of the police role in the community that bear upon the way they relate to juveniles. Community reaction to juveniles involves two opposing sentiments and the police are victims of this contradiction. On the one hand, the public exerts pressure on the police to treat juvenile delinquents in a manner which distinguishes them from adult criminals. On the other hand, the public demands that the police apprehend "young hoodlums" or juvenile "wolf packs" and deal with them "accordingly." Westley describes some of the responses that develop among police as a professional group to these conflicting public expectations.

THE POLICE AS AN OCCUPATIONAL GROUP

"The social definition of [one's] occupation invests its members with a common prestige position. Thus, a man's occupation is a major determining factor of his conduct and social identity. This being so, it involves more than man's work, and one must go beyond the technical in the explanation of work behavior. One must discover the occupationally derived definitions of self and conduct. . . and track them back to the occupational problems in which they have their genesis.

"The policeman finds his most pressing problems in his relationships to the public. His is a service occupation but of an incongruous kind, since he must discipline those whom he serves. He is regarded as corrupt and inefficient by, and meets with hostility and criticism from, the public. He regards the public as his enemy, feels his occupation to be in conflict with the community, and regards himself to be a pariah. The experience and the feeling gives rise to a collective emphasis on secrecy, an attempt to coerce respect from the public, and a belief that almost any means are legitimate in completing an important arrest. These are for the policeman basic occupational values. They arise from his experience, . . . are central to an understanding of his conduct, and form the occupational contexts within which violence gains its meaning."

"The study of one police force, /a municipal police department in a midwestern industrial city7, has shown that the maintenance of secrecy is a fundamental rule. This is characteristic of many occupations which feel themselves under public scrutiny. The functions of secrecy among the police are closely related to the manner in which the policeman is defined in the American community. . . . Secrecy stands as a shield against the attacks of the outside world; against bad newspaper publicity which would lower the reputation of the police; against public criticism from which the police feel that they suffer too much; against the criminal who is eager to know the moves of the police. . . . [The police] are constantly subject to investigations. Therefore they need secrecy."

"Police powers include the use of violence, for to them, within civil society, has been delegated the monopoly of the legitimate means of violence possessed by the state. Police are obliged by their duties to use violence as the only measure adequate to control and apprehension in the presence of counterviolence. . . . Every policeman has some such experiences [which force the use of violence by the police], and they proliferate in police lore. They constitute a common-sense and legal justification for the use of violence by the police and for training police in the skills of violence. . . Furthermore, although legally their use of violence is limited to the requirements of arrest and the protection of themselves and the community, the contingencies of their occupation lead them to enlarge the area in which violence may be used."

SUMMARY

Westley's main point is that the conflicting demands made upon the police are responsible for their emphasis on secrecy and their willingness to use any means in important arrests. Westley's concern was with the police as a professional group and his observations dealt mainly with adult criminals. The discretion available to police in apprehending adult criminals is even broader in the juvenile area.

Our laws provide for special treatment for juveniles. In California, distinctions are made between dependent-neglected children (Section 600 of the Welfare and Institutions Code), delinquency-prone children (Section 601) and delinquents (Section 602). However, most young people who have committed an offense are only misdemeanants. Police have tremendous discretion in deciding when to initiate the process of juvenile justice because of the delinquency-prone provision in our code. Official agencies can intervene whenever they have cause to believe that a child is in danger of leading a "lewd, immoral or lascivious life." The same discretionary situation exists in a modified form in the field of adult criminal activity. As Goldstein states in an article published in the Yale Law Journal in March, 1960:

> Full enforcement is not a realistic expectation. In addition to ambiguities in the definitions of both substantive offenses and due process boundaries, countless limitations and pressures preclude the possibility of the police seeking

> or achieving full enforcement. Limitations of time, personnel, and investigative devices... force the development, by plan or default, of priorities of enforcement. Even if there were "enough police" adequately equipped and trained, pressures from within and without the department, which is after all a human institution, may force the police to invoke the criminal process selectively.

There is much more ambiguity in the juvenile field because of community pressures and the lack of agreement on due process boundaries. Hence discretion exists for police even in serious cases. A robber-felon can be reprimanded and released while a truant or curfew violator can be arrested.

The point of this article is to emphasize the discretion available to officers charged with juvenile work and to indicate that there is a rational way to bring it to bear on individual cases within the framework of the police role in the community.

Abstracted from Richard A. Cloward and Lloyd E. Ohlin, Delinquency and Opportunity. The Free Press of Glencoe, Glencoe, Ill., 1960, and Walter B. Miller, "Lower Class Culture as a Generating Milieu of Gang Delinquency," Journal of Social Issues, Vol. XIV, No. 3, (1958) pp. 8-16. Reprinted by permission.

INTRODUCTION

Short, in his investigations, has indicated that delinquency (fighting, thieving, gambling, sexual promiscuity, vandalism, and the use of narcotics) is distributed throughout the population, and is not a peculiar product of lower-class culture. Schwendinger reports the same conclusion in his study of Los Angeles youth. However, statistics on delinquency show a high proportion of lower-class youth. One explanation is that middle- and upper-class people have the resources for handling the problems of their youngster's delinquencies informally whereas lower-class people do not. Whatever the cause, agencies of juvenile justice deal largely with lower-income youth:

The selection from Cloward and Ohlin and the selection from Miller assume, however, that official statistics substantially reflect the real situation. They proceed to explain why law breaking is more common in one part of the social structure thatn another. Their explanations are more suggestive than prescriptive and are included to give some perspective to police, probation and court workers, the bulk of whose clients are lower class.

THE SOCIAL SOURCES OF DELINQUENCY

Richard A. Cloward and Lloyd E. Ohlin explain why lower-class youngsters are overrepresented in official statistics. They point out that most Americans accept the general value of economic success. This value is transmitted through the schools, in our families, in our literature and in our mass communications. A number of opinion polls taken on samples of our population substantiate the point that economic success is a generally shared value in our society. While we place great emphasis on success, we do not place an equivalent emphasis on the means for attaining it;most people hold to the goal of economic success without ever being able to attain it in legitimate ways. The pressure to engage in disapproved behavior becomes very great if one does not have the resources to achieve the value in any other way. This is the situation lower-class youth find themselves in--enjoined to succeed yet with limited access to the means of success. The primary means of success in an industrial society like ours is education. But economic necessity requires early employment so many working class youth do not or cannot orient themselves to higher education. In the face of this objective situation of disadvantage, the only legal avenues open to lower-class youth are entertainment, sports, or success through the political machine. The illegal avenues open to attain economic success are criminal ones. And a large number of lower-class juveniles take the illegal route and end up as clients of our agencies of juvenile justice.

Miller's explanation of lower-class delinquency is somewhat different. He does not ascribe lower-class misbehavior to thwarted ambitions or a desire for economic success which cannot be realized. He sees lower-class culture as a way of life, an outlook separate from the predominant middle-class one. Lower-class youth are likely to come into conflict with the law because of their exaggerated attachment to some of the values or focal concerns which make this subculture distinctive.

The "focal concerns," values, or preoccupations which characterize the lower class and which predispose its members to law-violating behavior are defined by Miller as follows:

"Trouble: Concern over "trouble" is a dominant feature of lower-class culture. . . ."Trouble" in one of its aspects represents a situation or a kind of behavior which results in unwelcome or complicating involvement with official authorities or agencies of middle-class society. . . . For men, "trouble" frequently involves fighting or sexual adventures while drinking; for women, sexual involvement with disadvantageous consequences. Expressed desire to avoid behavior which violates moral or legal norms is often based less on an explicit commitment to "official" moral or legal standards than on a desire to avoid "getting into trouble", e.g., the complicating consequences of the action . . . .

Toughness: The concept of "toughness" in lower-class culture represents a compound combination of qualities or states. Among its most important components are physical prowess, evidenced both by demonstrated possession of strength and endurance and athletic skill; "masculinity," symbolized by a distinctive complex of acts and avoidance (bodily tattooing; absence of sentimentality; non-concern with "art", "literature," conceptualization of women as conquest objects, etc); and bravery in the face of physical threat. The model for the "tough guy" -- hard, fearless, undemonstrative, skilled in physical combat -- is represented by the movie gangster of the thirties, the "private eye," and the movie cowboy . . . .

Smartness: "Smartness" . . . involves the capacity to outsmart, outfox, outwit, dupe, "take", "con" another or others, and the concomitant capacity to avoid being outwitted, "taken," or duped oneself. In its essence, smartness involves the capacity to achieve a valued entity -- material goods, personal status -- through a maximum use of mental agility and a minimum use of physical effort. . . .

Excitement: For many lower-class individuals the rhythm of life fluctuates between periods of relatively routine or repetitive activity and sought situations of great emotional stimulation. Many of the most characteristic features of lower-class life are related to the search for excitement or "thrill." Involved here are the highly prevalent use of alcohol by both sexes and the widespread use of gambling of all kinds . . . . The quest for excitement finds what is perhaps its most vivid expression in the . . . recurrent "night on the town," . . . a patterned set of activities in which alcohol, music, and sexual adventuring are major components.

Fate: Related to the quest for excitement is the concern with fate, fortune, or luck. Here also a distinction is made between two states -- being "lucky" or "in luck," and being unlucky or jinxed. Many lower-class individuals feel that their lives are subject to a set of forces over which they have relatively little control. These are not equated directly with the supernatural forces of formally organized religion, but relate more to a concept of "destiny," or man as a pawn of magical powers. Not infrequently this often implicit world view is associated with a conception of the ultimate futility of directed effort toward a goal . . . .

Autonomy: The extent and nature of control over the behavior of the individual -- an important concern in most cultures -- has a special significance and is distinctively patterned in lower-class culture . . . . On the overt level there is a strong and frequently expressed resentment of the idea of external controls, restrictions on behavior, and unjust or coercive authority . . . . Actual patterns of behavior, however, reveal a marked discrepancy between expressed sentiment and what is covertly valued. Many lower-class people appear to seek out highly restrictive social environments wherein stringent external controls are maintained over their behavior . . . . Lower-class patients in mental hospitals will exercise considerable ingenuity to insure continued commitment while voicing the desire to get out; delinquent boys will frequently "run" from a correctional institution to activate efforts to return them; to be caught and returned means that one is cared for . . . .

Focal concerns of the male adolescent corner group are those of the general cultural milieu in which it functions. The relative weighting and importance of these concerns pattern somewhat differently for adolescents than for adults. The nature of this patterning centers around two additional "concerns" of particular importance to this group -- concern with "belonging", and with "status" . . . achieved via cited concern areas of Toughness, etc.

Belonging: Since the corner group fulfills essential functions for the individual, being a member in good standing of the group is of vital importance for its members. . . . One achieves "belonging" primarily by demonstrating knowledge of and a determination to adhere to the system of standards and valued qualities defined by the group. One maintains membership by acting in conformity with valued aspects of Toughness, Smartness, Autonomy,etc . . . .

Status: In general, "Status" is achieved and maintained by demonstrated possession of the valued qualities of lower-class culture . . . . The concern with "status" is manifested in a variety of ways. Intragroup status is a continued concern and is derived and tested constantly by means of a set of status-ranking activities; the intragroup "pecking order" is constantly at issue. . . .

The concern over status in the adolescent corner group involves in particular the component of "adultness," the intense desire to be seen as "grown up," and a corresponding aversion to "kid stuff". . . .

Concern over status is also manifested in reference to other street corner groups. The term "rep" used in this regard . . . refers to the "toughness" of the corner group as a whole relative to that of other groups."

SUMMARY

Miller's thesis may be reduced to three main propositions: (1) The way of life of the lowest social level of our society embodies certain distinctive values. (2) These deviate in varying degrees from the middle-class values which undergird the legal code. (3) As a result, behavior which is in conformity with certain lower-class values may automatically result in violation of the law. In other words, important practices of the lower-class way of life as such involve a high potential for law violation, since they run counter to behavioral norms that prevail in other sectors of the society.

Miller's injunction to us is to understand the distinctive set of values that the lower-class sub-subculture represents. If we do, then our remedies for the youngsters who come to us will be more relevant and effective.

From Frank Riessman, "Low Income Culture: The Strengths of the Poor," *Journal of Marriage and the Family* Vol. 26, No. 4, (November 1964) pp. 417-421. Reprinted by permission.

INTRODUCTION

There is much official concern about the character of the juvenile delinquent's family life. Police dispositions are often made in terms of the family's ability to supervise the child, as are probation and court decisions.

Riessman suggests some of the positive features of a type of family that is increasingly becoming part of our urban scene. Awareness of these positive features can aid in our work with the children coming from extended families

The strengths of the poor arise out of their efforts at coping with an essentially negative environment. These coping efforts may in some cases lead to new difficulties, but it is important to view the behavior in terms of what the disadvantaged are trying to do rather than the more typical one-sided emphasis on their failures and pathology. Nor should these efforts be compared to standard middle-class behaviors as though these were likely alternatives for the poor.

For example, the so-called broken family that presumably produces child neglect, disorganizaiton, lack of male identification figures for the boys, etc., deserves re-examination as a female-based extended family structure. Careful examination shows that economic (and related historical) factors have produced a situation in which job stability and security has been far less available for the Negro male than for the female. This provides a threat to the traditional patriarchal family pattern. If nothing were done in face of this threat, disorganization, anarchy, and the disintegration of family life would eventuate. But among the Negro poor, a new family pattern evolved to meet this environmental threat: namely, the female-based, extended family structure where the mother, grandmother, aunts, and other members of the larger family band together to share the responsibilities of home management, child-rearing, and earning a living.

Actually, this family frequently evidences considerable interdependence, organization, and stability. But it also has many strains and pressures constantly invading it, and sometimes these pressures produce pathology (drug addiction, violence, delinquency, and the like). Most likely, this pathology erupts when the coping efforts embodied in the normative family pattern are not operative--when the family is really smashed.

The extended matriarchal family, functioning in the circumstances described, represents an important asset of the Negro poor. This is not to say that this is a "good" family pattern, one to be striven for in the long development of history, Quite the reverse: as poverty disappears, this family form will undoubtedly fall away to be replaced by more patriarchal and equalitarian structures. But this should not prevent the perception that under special undesirable environmental conditions, the female-led, extended family is a powerful coping device for dealing with the problems of the poor.

Poverty produces uneven effects. In part, it produces strengths, some of which are glamorized and idealized by anti-middle-class proponents of the noble savage myth. The strengths themselves are uneven and complex; often they are the reverse side of weaknesses. Thus the positive features found in the peer culture and the greater sibling interaction may arise from the limited time available to the parents in large families; the greater freedom from intellectualization may stem from less access to intellectual occupations; the less prestige-centered, competitive, individualistic ethos may be derived from removal from the more individualistic professional occupations and preparatory educational structures; the proclivity for independence and self-education (noted by some Montessorians) and the maturity of the children may be, to some extent, related to the fact that the poor are less educated by parents and teachers and hence are forced to develop their own resources at an early age; the greater receptivity to therapeutic techniques based on suggestion and authority is probably the other side of their more authoritarian training and traditionalistic world view.

Some of these strengths reflect the fragment of truth in the noble savage argument. It is in part true that being deprived of the basic goods of middle-class life also brings "deprivation" from some negative aspects of this life, such as the rat race.

Comparison with the middle class is dangerous because the poor and the middle class face very different problems, and a middle-class yardstick generally should not be employed in appraising the characteristics of the disadvantaged. But it is necessary to recognize in analyzing the origins of the strengths of the poor that one of the sources is removal from some of the more harmful conditions of the life of the"haves." This argument only becomes spurious if one then attempts an over-all comparison of the classes.

The positives of the poor are not to be viewed in an abstract, idealistic fashion, as though they represented some ultimate qualities to be aspired to by man. To repeat, frequently their strengths are partial, interwoven with weaknesses, transitory reflections of the situation of the poor.

A great many positive dimensions of the culture and style of the poor are discussed more fully in the author's book, The Culturally Deprived Child (New York: Harper, 1962): the cooperativeness and mutual aid that mark the extended family; the avoidance of the strain accompanying competitiveness and individualism; the equalitarianism, informality, and humor; the freedom from self-blame and parental overprotection; the children's enjoyment of each other's company and lessened sibling rivalry; the security found in the extended family. . ./a traditional outlook; the enjoyment of music, games, sports, and cards; the ability to express anger; the freedom from being word-bound; and, finally, the physical style involved in learning./7

SUMMARY

The family, if worked with properly (and not blamed for its children's actions), can perhaps play a powerful role in combating juvenile delinquency. Thus, strong efforts should be made to enlist the aid of members of the extended family. Juvenile delinquency is often explained, in an over-simplified manner, as resulting from broken families and insufficient love and attention. If we recognize the role of the larger family, we cannot accept this explanation quite so readily.

Second Setting

The Probation Office, the next day; a discussion of recommended dispositions to the Court.

Characters

Herb Brownlow	Supervising Probation Officer
Bud Haley	Probation Officer
Ralph James	Juvenile Offender
Matthew Johnson	Juvenile Offender

"Busy, Herb?"

"Well, little Buddy Haley, as I live and breathe! Come let kindly old Uncle Herb wipe away the evil from your twisted, vicious little soul."

"Yeah, Tom Bressler said you went to the Mayor's Committee meeting this morning. How did it go?"

"Bud, it was an Action Meeting of the Mayor's Emergency Committee for the Immediate Suppression of Juvenile Crime. That's how it went. You know this Mrs. Roach who owns the Roach Building downtown? It seems some kid snatched her purse . . ."

"Yeah, that's the case I have here."

"I can't tell you how pleased I am to hear that, Bud."

"Tell me about the meeting. What's their pitch?"

"Well, Mrs. Roach heard that one of the kids involved in the purse-snatch was released by the police on a Notice to Appear. She went to her church congregation and told them about it and they're all mad. These people are next to the apostles in this town, and we can't ignore them. I don't blame her, really. It's a vicious thing to bang little old ladies around, and steal from them. But these people want the boys at hard labor for life, with public flagellation. And they'd just as soon throw in the probation officer who handles their case. Well, anyway, the Board of Supervisors and the City Council will both release statements this afternoon questioning the handling of the case. The reporters should be in about thirty or forty seconds later."

"I think we can make a good case, Herb. One of the boys, Matthew Johnson, really belongs on probation, and I'm sure the reporters will buy that when we talk to them. Ralph James, the other boy, is off to a pretty bad start. They might think we're making an example of him, and that will ease the pressure. But I honestly can't make any other recommendation. What do you think?"

CONCERNING: MATTHEW JOHNSON, born April 27, 1948, in Oakland California, (age 15 years, 4 months)

Father: Harold Johnson, 209 Washington Street
Osborne City, California

Mother: Mary Johnson, same address as father

Matthew appears in Court with both parents on a Notice to Appear.

REASON FOR HEARING:

Petition alleges robbery on September 20, 1963, through the forcible taking of a purse from Mrs. S. J. Roach, 560 Hawthorne Avenue, without her consent, and subsequently carrying it away. The contents therein were distributed between the culprits. The victim went into a mild state of shock but suffered no bodily harm.

Ralph James appears jointly at the hearing (16 years, 3 months)

FACTS CONCERNING ALLEGATION:

At approximately 8:15 p.m., the victim, Mrs. S. J. Roach, was walking on Hawthorne Avenue near Dorset Street when she heard a boy speak to her from behind. She turned around and was pushed off balance by a boy who grabbed her purse and fled toward Milton Square. Mrs. Roach started toward a nearby house to phone the police when she saw a patrol car approaching on Hawthorne. She ran into the street and waved the patrol car to a stop.

At approximately 8:20 p.m., Patrolman Mottar saw a woman who appeared to be hysterical waving at him from the middle of the street. When he stopped the car to investigate, Mrs. Roach claimed that she had just been robbed of her purse by a boy who had run toward Milton Square. The patrolman took the woman into his car and drove down Hawthorne. He observed two Negro boys about a block away on Kent. The woman said the boy who attacked her was a Negro.

When Mottar approached the two boys, one (Ralph James) immediately ran, while the other boy (Matthew Johnson) remained at the side of the car. Officer Mottar gave chase on foot and apprehended James. The boy was taken back to the patrol car where he was very hostile to the officer, uttering streams of abusive language. Officer Mottar talked to both boys in the presence of Mrs. Roach. It was determined that Ralph James actually committed the robbery and, at the time, it appeared that Matthew Johnson had no knowledge of the incident. Johnson was released while James was taken into custody.

Ralph James was later interviewed by Officer Mottar and admitted taking the purse. The boy also stated that Matthew Johnson had in fact been involved in the present incident, and also in a theft the night before.

Matthew Johnson was interviewed at his home in the presence of his parents and admitted that he was involved with James. Both parents were cooperative with the officer. Since Johnson had no prior record of arrests, the officer felt it unnecessary to take the youth into custody. He and his parents were given a Notice to Appear in the Juvenile Court.

STATEMENT OF VICTIM:

Mrs. S. J. Roach will testify that she left her home at approximately 8:05 p.m. in order to pay her rent to the apartment manager. She was suddenly knocked off balance by a boy who grabbed her purse and ran. She will also testify that she saw Ralph James discarding the articles from her purse in some shrubbery along

Hawthorne Avenue. The purse contained approximately $127.

STATEMENT OF WITNESSES:

Officer Brant Mottar (Badge No. 074) will testify that his attention was attracted at approximately 8:20 p.m. by Mrs. Roach who claimed she had been robbed of her rent money and purse by a boy who ran toward Milton Square. He chased Ralph James on foot and had to fire a warning shot in the air to stop the boy from escaping custody. Officer Mottar recovered a small money purse and wallet, together with a plastic purse and $127.50 from the person of Ralph James.

MINOR'S STATEMENT:

Matthew admits committing the alleged offense. Although he had nothing to do with the actual taking of the purse, he participated in the planning of the offense and in the disposal of the stolen property. The minor also admits having been involved in the robbery of a teenage boy the night before the present offense.

Johnson says that he, Ralph James, and several other boys frequently play basketball at the playground of Rivault High School. On September 20, several youths congregated in the basketball court and planned to commit several robberies. Status would be accorded to the youth who stole the most money and property during the night. "Ralph and me was to hit somebody for money. I stayed at the fountain in Milton Square. Ralph would meet me, and we'd see how much we got, then it would be my turn to steal something. I was sure scared but didn't want Ralph to know."

RECOMMENDATION REGARDING FINDING OF FACT:

It is respectfully recommended that the Court find the allegations of the petition to be true as alleged.

ADDITIONAL MISCONDUCT:

In addition to the above incident, Matthew relates the action of the night of September 19, 1963 when he and Ralph James robbed a teenage boy. In Blomville, at approximately 11:00 p.m., he and James saw a boy walking down the street directly in front of them. Ralph James said, "The one who gets the closest to the stud lets him have it, and we take what he's got on him." James then proceeded to knock the victim to the ground by hitting him in the face, and Johnson took the boy's wallet, ring, and watch. This property was recovered at the time Officer Mottar interviewed Johnson in his home. The owner, however, has not yet reported the robbery, and the offense is presently under investigation by the Blomville Police Department.

PREVIOUS HISTORY:

No prior arrest record exists on Matthew Johnson nor has he ever come to the attention of the probation authorities.

THE FAMILY:

Matthew is the oldest child of Mr. and Mrs. Harold Johnson. The couple moved to Osborne City from Oakland, California, in 1961 after Mr. Johnson got a job in an Osborne City tanning factory. Mr. Johnson works fifteen hours a day (from 10:00 p.m. to 1:00 p.m.) and has only the weekends to spend with his family.

Mrs. Johnson is a housewife and spends most of her time taking care of her home and her three younger children: Sammy Johnson (11 years, 9 months), Frieta Johnson (5 years, 4 months) and Roberta Johnson (5 months). The family lives in a four-room apartment, deteriorated on the outside but clean and meticulously kept within. According to Mrs. Johnson, she has always lived happily with her husband. There has never been any trouble with Matthew. She is unable to understand the meaning of Matthew's conduct since he has always been a "model child" in the home. Both parents appear to be conscientious about their household and quite concerned about Matthew's unexpected behavior.

THE MINOR:

Matthew Johnson is a light-complexioned, small-boned Negro boy of neat appearance in which he takes pride. The boy appears shy and withdrawn. But he speaks in deliberate phrases and is of normal intelligence.

At Oakland High School, Matthew participated in outside activities and was a member of the Boys' Club and School Choir, but he has had difficulty in adjusting to his new neighborhood and school. Much of his time is spent practicing the saxophone and he hopes to have his own jazz band some day.

In the past year the boy has been restless and troubled because of his father, who rarely has time to spend with his son. In the words of Matthew, "My old man don't give a damm about me or anything I'm interested in, and Mom can't understand what I got to say, so it's no use talking to her either." Consequently, he is forced to look for acceptance from the neighborhood groups. These groups have played a major role in the boy's present trouble with the law.

The boy is quite concerned about his activities with Ralph James, and only now has he realized the true meaning of his acts; in the past he was really unable to comprehend the possible results of his acts. Since Matthew is passive, and dependent on other boys for support, he looked upon the stronger and more aggressive personality of Ralph James with admiration and respect.

PSYCHOLOGICAL REPORT:

Environmental problems seem to be the focal concern with Matthew. He is mentally and emotionally alert. The external problems of lack of identification and misguidance should not be hard to correct.

EVALUATION:

Matthew is not a threat to the community when alone and away from the influence of the deleterious environmental contacts in his neighborhood. He engages in much constructive activity and is capable of leading a productive life, but a greater degree of self-confidence and independence needs to be instilled into him.

The conditions in his home are favorable. Both parents are anxious to cooperate with the probation authorities for the benefit of their boy. The father states that he will now devote more time to his son's interests and spend weekends with him.

As the present offense is Matthew's only involvement with the law, and since the boy's attitude is conducive to healthy activity, it is felt that guidance in the home will bring about a satisfactory change in his behavior. The offense is serious, but the act is an expression of misguidance and lack of identity on the part of the boy rather than deliberate malicious conduct.

RECOMMENDATION FOR DISPOSITION:

It is respectfully recommended that Matthew Johnson be declared a ward of the Juvenile Court to be supervised in his own home under the care and guidance of the probation officer.

"I think you're right, Bud. This is Johnson's first contact here, and his case history is promising."

"It will matter whether the papers give him another chance or not."

"Well, if they know our reasoning, I don't see why not. Do you?"

"Maybe, Herb. If it were just Mrs. Roach's outraged flock, that'd be one thing, but this is the fourteenth purse-snatch this month. Well, we'll just have to emphasize his tangential involvement. Here, look at James' social history. Does it look like we're offering him up for the Johnson kid?"

CONCERNING: RALPH JAMES, born June 18, 1947 in Birmingham,
Alabama (age 16 years, 3 months)
Father: Samuel James, address unknown
Mother: Mandy James, 1706 Devon Street
Osborne City, California
Mother has actual custody of minor.

Ralph comes to Court from Juvenile Hall where he was detained from the time of booking, 10:15 p.m. on September 20, 1963. During the Detention Hearing, September 23, 1963, 11:30 a.m., the Court held it to be an urgent necessity to detain the boy in Juvenile Hall, both to protect the personal property of others and to prevent the youth from fleeing the jurisdiction of the Court.

ADDITIONAL MISCONDUCT:

On September 19, 1963, at approximately 11:00 a.m., in Blomville, California, Ralph James and Matthew Johnson knocked down a teenage youth and took his wallet, watch, and ring. James admits to having knocked down the boy by "hitting in the mouth with my fist." Johnson took the property, which was later recovered by Officer Mottar from the boy. The owner, however, has not reported the offense. The incident is under investigation by the Blomville Police Department.

PREVIOUS HISTORY:

April 12, 1962--Complaint from Vice-Principal of Rivault High School that Ralph James approached a classmate, Donald Dickson, with a knife and stated, "You little bastard, stay away from my sister or I'll cut your liver out some day." Case investigated by Officer Jack Fowler who interviewed both boys in the presence of the Vice-Principal. James was given an Official Reprimand and released without referral at this time.

June 5, 1963--Ralph James appeared in Court at this time with five other boys on petition alleging auto theft of a 1955 Ford convertible. James and Samuel Walker were walking home after a party when four other boys drove by in a stolen vehicle. James and Walker, without knowledge that the car had been stolen, jumped into the car and aided the other four in the disposal of the car in Blomville Bay. James was declared a Ward of the Court and placed on probation under the care and supervision of the probation officer.

THE FAMILY:

Ralph is the oldest of six children. Mrs. James has been married four times. Her other children are Sonny Hanson (14), Jeraldine Hanson (12 years, 4 months), Jackie Gray (11 years, 2 months), Jimmy Jackson (8 years, 5 months) and Charles Jackson (3 years, 9 months). The last two are the children of her present husband whose whereabouts is unknown at this time. Mrs. James lives alone with her six children and works nights, when she has the time, as a cleaning woman. She is not helped financially by any of her former husbands; the children are supported by Aid to Needy Children funds and County Welfare funds in the amount of $350.00 per month.

Ralph has no knowledge of his father, who, according to Mrs. James, still lives in Birmingham, Alabama. She separated from Mr. James immediately after the birth of Ralph and came to California, where she lived in Mainsville until moving to Osborne City.

The maternal grandfather of the two youngest children, Charles and Jimmy, came to live with Mrs. James in 1962 to assist in the support of the family.

Mrs. James does not express great concern about Ralph's activities. She is unaware of the rapid deterioration of his attitude toward the community and school. Mrs. James appears to be mentally retarded and exhibits difficulty in the verbalization of her thoughts.

She states that Ralph has not been attending school lately and that the authorities at Rivault High School have contacted her several times regarding Ralph's aggressive conduct toward fellow classmates and his frequent truancy. Mrs. James is concerned about the type of boys Ralph has been seeing in the past six months and asserts that several have been "in jail for years." Since Ralph has been "running with this gang of thugs," he has become increasingly difficult to control and frequently comes home very late in the evening.

THE MINOR:

Ralph is a Negro boy of medium build. He is extremely nervous and speaks in short, rapid phrases in a random, assertive manner. The boy is extremely suspicious in nature and feels he is always "picked on by teachers, cops, and everybody else." He is hostile toward the community and is not afraid to express his anger in streams of abusive and obscene language.

No medical history is available, but his physical condition appears sound. However, he is reluctant to engage in athletics for he thinks school sports are for the "finks" who receive priority in the eyes of teachers and coaches.

Since Ralph has little interest in school activities, most of his time is spent with other youths who feel similarly deprived. The boy states that he likes to walk the streets at night and think, and he derives pleasure from participating in destructive activities with a specific group in the community not unfamiliar to the police. Some of these boys are white and Ralph appears to be quite concerned with being respected by white youths in his neighborhood.

JUVENILE HALL REPORT:

Ralph was a continual problem in Juvenile Hall and had much difficulty in conforming to the rules and regulations of the detention facility. Repeated arguments with other youths, disregard for the rights of others, and explosive outbursts of aggressive behavior caused him to be isolated from the rest of the group on two occasions.

SCHOOL REPORT:

Rivault High School, eleventh grade
Attendance: Poor (five truancies)
Behavior: Poor
Scholarship: "Low C" average
IQ.: 104 (California Development Scale, September 1959)

No excuse was given for three of the five truancies. The mother did not respond to written notice thereof from the school.

The boy's counselor reports that Ralph occasionally disrupts his classes by talking and ridiculing his teachers. He requires an excessive amount of attention from fellow classmates, and his scholastic achievement is far below his ability.

PSYCHOLOGICAL REPORT:

A report from the school psychologist states that Ralph's intellectual efficiency is below normal but not due to any pathology in thinking. Emotional conflict and hyperactive behavior have made it difficult for the boy to concentrate. He has a low tension tolerance and is not able to control his temper in situations of slight stress. As a result, he is inclined to act impulsively and explosively.

Ralph suffers strong internal conflict caused partly by unresolved feelings toward his mother and partly by fears of rejection by his associates. The focal point of the boy's thoughts rests on being "tough," strong and independent of adult pressure to conform. His explosive temper and extreme sensitivity to the values of his group associates prevent him from establishing a satisfactory relationship with adults.

The home environment is deleterious and there is a lack of male identification in the home to impose constructive discipline. Because the boy receives little guidance at home, he is forced to seek support from his peer groups. These groups have engaged in much antisocial activity.

EVALUATION:

Ralph in no way appreciates or comprehends the nature and seriousness of his offense, and he is in danger of leading an idle, delinquent life if proper action is not taken to help him gain insight into his own behavior and the meaning of his situation. His record indicates a rapid decrease in emotional control, lack of respect for the rights of others and complete disregard for authority. The youth thinks of his activities as pleasurable and as his only means of expression. Long-term treatment is necessary in order to redirect his attitudes and behavior. Ralph is a menace to the community as long as he continues to lead a misguided and uncontrolled existence.

RECOMMENDATION FOR DISPOSITION:

It is respectfully recommended that Ralph James be declared a Ward of the State of California and placed under the care and supervision of the Youth Authority.

"It's almost impossible to individualize these kids when you have to say the same things about so many of them."

"I don't know, Bud. The judge won't be anywhere near out of bounds if he thinks we're trying to make an example out of James. He'll probably raise the issue with you anyway."

"What would you have done?"

"Oh, I agree. It's the only possible recommendation. When do you go to court?"

"Tomorrow."

"Good luck."

"Thanks, Herb."

DISCUSSION

Several forces influence this case. Between 1950 and 1960, almost two million rural Negroes replaced two million whites in the centers of our large cities. This astonishing migration can be compared to the movement of population from Europe to the United States early in the century. Like the earlier immigrants, the Negro is confused and disorganized by urban life, and his gradual assimilation repeats a familiar cycle. The newcomer is fiercely loyal to old ways and tries to reconstruct the world he has left. Young children are less fixed in their habits. In school they meet the larger community, try to adapt to it, and rebel against the aging hand of the past. The parents find the new-style youth beyond control by old methods. Delinquency and crime rates increase. The young, who live in limbo between present and past, particularly value violent behavior.

For a discussion of the impact of this migration - see the article by Lohman, pp. 68-73.

This revolutionary change has another, less familiar, aspect. Pressures, within and without the Negro community, have created a Negro ideology which is beginning to be expressed by militant spokesmen who have a clear point of view, a strategy, and a set of objectives. This ideology reflects a considerable amount of resentment. It is unimportant to our purpose here to explain this phenomenon, even if it were possible. The point is that the Negro juvenile translates the feelings clustered about this ideology into hostility and belligerence, and he finds in it justification for socially unacceptable acts.

Although it has been well established that delinquent behavior is spread fairly evenly throughout the population, Negroes commit a disproportionate number of the recorded delinquent acts. We are not concerned with explaining why many delinquencies escape official attention; we only point out that you will probably deal with a good many Negro youngsters. Each one will be an individual manifestation of the powerful forces affecting American society.

The pressure to conform is very great among juveniles, and especially among minority groups. The Johnson boy was not particularly interested in stealing, but when his reputation among his friends was put at stake by the group's agreement to steal, he had no choice but to go along.

Violent offenses are serious in themselves and can inflame public opinion. This was one such case. The woman was old and frail,but she was well known and was therefore able to call public attention to the case and its handling by police and probation officials. Up to that point, the treatment of the boys had not been affected by external pressures. Or had it?

Influence can also be brought to bear upon probation and police departments by the press. Your department undoubtedly has a policy on press releases, but in the long run it is best to be straightforward and to give the truth. A reporter can cause damage through ignorance as well as malice, and if your department distorts stories, it may suffer from this. If you try to conceal a story, a reporter will probably get it in the end, to your public embarrassment, and he may withdraw the considerable help which he would otherwise give you.

A comparison of the structure of the boys' families is useful. Johnson came from a nuclear family (typical of a second or third generation northern Negro family); the children lived with both parents. The father worked 15 hours a day to gain a reasonably comfortable life for his family; his wife was a conscientious housewife and mother. She had never had any trouble with her son and was shocked by his involvement in the crime. Like many adults, including often police, probation officers and judges, she had no conception of the great pressures for conformity, even for delinquency, within adolescent society. Perhaps this is not surprising, since adults often do not recognize the extent of their own conformity. Adult society announces to itself, in flickering evening living rooms - "Drink Crankcaseoil" - and in the morning drinks crankcaseoil!

For the problems that present themselves in "urbanism" and people's changing relationship with each other, see pp. 74-81.

Ralph James came from a typically matriarchal family. Men passed through the family, but his mother was permanently there. She had been married four times and the six children in the family had four different last names. Like many in her position who have recently come from the South, she had to work at night to add enough to Welfare funds to support the family. This meant, of course, that she could not spend much time with her children, although, as we have pointed out before, a matriarchal family puts out its feelers and its roots very quickly when it settles in a neighborhood, and an informal family of aunts, grandmothers, and cousins who look after the children is spontaneously created.

It was reported in effect that Mrs. James gave insufficient time to Ralph, failed to control his actions, and allowed him to run around in undesirable company. These statements are true if her behavior is compared with the behavior of the parents of most probation officers. When the probation officer questioned her, she admitted her shortcomings as a parent, but probably her admission meant only that she knew what was expected of her. In the terms of her culture, she may well have thought that she had given ample attention to Ralph. Furthermore, Ralph's friends, who were "undesirable" to society at large, were quite desirable friends in the urban Negro world.

The difference in the description of the two families in the court reports requires some comment. How does a probation officer set about describing and evaluating a family? Ideally, in every case, he should visit the home and interview the parents or relations closest to the child. Practically speaking, this is impossible. The intake caseload is very heavy, most parents are not available except in the evenings, and sometimes when they come home from work, they are not in the mood to answer questions. The result is that information in many reports is obtained by telephone,by asking the parents to come in for an interview, or by talking to the children. Remember that parents who come in for an interview may lose money by taking half a day off. This may damage the family finances and cause further deterioration in the relationship of boy and parents.

If you are able to make home visits, make an appointment, at least for the first visit. The house will probably be unnaturally orderly for your visit; if you want to see the uncorseted home life, tell the family that you will drop by again and then call without an appointment. Unfortunately, you will seldom have time to make one home visit, much less two, and much of your information will be secondhand. In this connection you will sometimes be bothered by neighbors who will give you good or bad advice about the boy or his home. Remember that people who volunteer help may have dubious motives. Information from these sources should be confirmed elsewhere.

The psychological report on Ralph James also shows a certain amount of middle-class thinking. His activities are judged as if he were a child from a white middle-class home. "Emotional conflict and hyperactive behavior have made it difficult for the boy to concentrate. He has a low tension tolerance and is not able to control his temper in situations of slight stress. As a result, he is inclined to act impulsively and explosively. Ralph suffers strong internal conflict caused partly by unresolved feelings toward his mother and partly by fears of rejection by his associates." These statements may be false. They may be statements of attitudes and behavior which are the norm in the group from which Ralph comes. Psychiatrists and psychologists who work in our metropolitan kaleidoscopes should remember that behavior which is generally considered abnormal in one group may be perfectly normal in another. This complicates psychiatric reporting considerably, Perhaps in the future the psychological report to the court will be accompanied by a sociological report, but until then, beware of cultural bias.

For a review of the bias in testing methods and interpretation of results, see pp. 82-84.

The dispositions in these cases, which were amply justified by the facts, differed widely for obvious reasons. Johnson came from a home which the probation department and the court could understand and accept. As a rule, the nuclear family can handle its children; if it begins to fail in its task, society is designed to help it. But James came from a home which was strange, unfamiliar. Society has developed no way to support it when it weakens. In the case of the Johnson boy, probation means family casework, but there are no casework techniques designed for use with Ralph James' extended matriarchal family. In view of these facts (which illuminate the state of our society and its adaptive ability), the recommendation that Ralph James be placed under the care and supervision of the California Youth Authority was the only possible one. In time we shall have to devise a probation caseload discipline and adopt a professional outlook which can deal with different family and culture groups in our society.

The new probation officer will often wonder whether to be thoroughly objective and base his recommendation on the facts alone, or whether he should attempt to influence the judge by slanting the facts toward a recommendation. Should one soft-pedal the elements of a given case which argue for institutional care and hammer on those which plead for probation? Or should one report without distortion and trust that the judge will accept his recommendation? Training manuals cannot untangle this knot. Only experience with courts and familiarity with various habits of the judicial mind will help you toward an answer.

Occasionally, you will have to write a report which emphasizes the things which you think need to be emphasized in order to reinforce a recommendation which you intend to make. Judges seem to weigh reports from the psychiatric clinic a little more heavily than the probation officer's report; as a result, some probation officers collaborate in the psychiatric clinic report in an attempt to insure the acceptance of their recommendations. We do not endorse this use of the clinic, but we know that it exists and that it may be effective.

As an exercise, re-examine the case histories of Ralph James and Matthew Johnson to see how they differ, in their representation of two stages of a subculture. Try also to look at the histories as if you were a member of the subculture.

* * * * *

From a speech given by J.D. Lohman before the Berkeley Unified School District Community Enlightenment Series on Youth, Fall 1962. Reprinted by permission.

INTRODUCTION

Dean Lohman is concerned with the problems of increasing population, especially the youth population. The changing composition of our urban population has produced more "mouths" than "hands"; the population pyramid is expanding at the top and bottom. This has transformed the character of all social relationships in the community. But more important is the arrival of a new group of people to our cities, migrants from other parts of the country, with limited experience in city living. Dean Lohman explores some of the implications of these changes.

YOUTH AND THE LAW

Let us examine the general social context within which the community is changing. The changing community is producing a changing profile of crime, a profile more dramatically different than most of us realize. All of us are familiar with the often reported fact that we are in the midst of a great population crisis which threatens our traditional way of life, nationally, and, as well, within what were formerly called local communities. This crisis will become increasingly severe before the 21st century is upon us. The change in the population is something more than a mere increase in numbers, for the change is uneven and results in disproportionate increases in two sectors of the population. America today, paradoxically enough, is at one and the same time becoming younger and older. The number of children in the total population is increasing both absolutely and relatively; thanks to antibiotics and improvements in medical technology, people are now living longer. In the total population, there are now more who are very young and more who are old than there were a generation ago. This has produced striking changes in human relations and a new set of social practices which temper the whole because of the ascendancy of these two groups.

The increase in crimes committed by young people is more than keeping abreast of their increase in numbers. Without taking into consideration other factors making for crime, there will be, due to the increase in numbers alone, 44 percent more crime in the next decade among the 15- to 19-year-olds than at the present time, simply because the 15- to 19-year-olds will have increased by that percentage. Youths in this age group commit more than half of the serious crimes committed in the country today, but our institutional services have not been reorganized correspondingly to take this factor into account.

The increase in population is accompanied by a change in the distribution of the population. The metropolitan character of the San Francisco Bay Area is a relatively new phenomenon. The relations of the separate, discrete, independent, autonomous communities of the Bay Area in 1940 were very different from the relations of the same communities today. The community pattern of residence, business, worship, recreation, education, is a new one; the distribution of the population is new.

In 1940, a little more than one-half of the population of the United States lived in metropolitan communities. Today, a quarter of a century later, two-thirds of the American population lives in metropolitan areas. Is this a mere change in the place of residence? It is more. The population has been sifted and sorted. People in equal numbers have not moved from the country to the city, or from the central city to the peripheral suburbs. In the process, there has been a selection of some, an exclusion of others, and an emphasis on special groups. The result has been the transformation of the ethnic and racial composition of the urban communities of America.

We can see in the 12 major cities of the United States a development which has brought upon us in one generation an almost total transformation of the character of human relations within those communities. The 12 largest cities of the country lost 2,000,000 of their white residents between 1950 and 1960. In that same 10-year period, the 2,000,000 whites were replaced by almost 2,000,000 nonwhites. This has produced an extraordinary change in the character of the social relations of the metropolitan community; the way in which sectors of the population relate to each other is very different from the way in which they related in 1950.

One result is that the traditional institutions of service and the manner in which they function have been found wanting. These services, provided without consideration of the changed social situation, have created stresses within the community of such proportions as to produce a chronic state of tension and conflict. The demands of the new groups upon the traditional services have increased, but there has been little corresponding change in the institutional structure of service in the community.

As an example of the effect of the changing structure of the American population, let us consider the relationships between consumers and producers. For every hundred of the population who were producers in 1930, there were 70 who were consumers. In 1962, due to the increase in the numbers of the age group at each end of the continuum, there are 92 consumers for every hundred producers in the community. (Producers are defined as those between 20 and 64; consumers are under 20 and over 64; the young and the old are consumers of social service rather than producers of economic goods.)

On the whole, this tendency is continuing, and it is likely that by 1985 there will be more mouths than there will be hands. This is not a cause for alarm, for there will be a sufficiency of the things which we require, if for no other reason than the technological advances of automation, but it does suggest to us enormous changes in the pattern of human relations.

Our inadequacies in facing up to the requirements and needs of the various groups have been reflected in the rates of delinquency and crime more than in anything else. I have mentioned that,even if juvenile delinquency rates were to remain the same as they are today, the volume of juvenile delinquency among persons 15 to 19 would increase by 44 percent simply because of the increase in the size of this age group alone. Observe this change in terms of the 2,000,000 mentioned earlier - those who are white and those are are nonwhite - in the major cities of the United States.

SUMMARY

Lohman points out the effects of population change on the delinquency problem. The increase in our youth population alone would affect the rate of delinquency if nothing else were to happen. However, other changes have complicated the situation and made the delinquency problem worse. In our largest cities, 2,000,000 white residents have been replaced by 2,000,000 nonwhite residents, unfamiliar with the ways of the city. Traditional community services have not been able to keep abreast of these changes and assimilate the newcomers. Our cities have never had to assimilate so many

migrants so fast as the greatest part of this change has taken place within the last 10 years or so. It poses a problem of public order for our community. Delinquency rates are highest in this new migrant group, as are unemployment rates, and the numbers of those receiving welfare. This population change has been one of the most far-reaching and revolutionary changes in the history of the world. If the trend continues, we can estimate that between 1960 and 1970, 40 to 50 percent of the population of the 12 largest cities will be non-white because of migration and higher birth rates.

From an article by Louis Wirth in American Journal of Sociology (University of Chicago Press), Vol. XLIV, No. 1 (July 1938), pp. 8-18. Reprinted by permission.

INTRODUCTION

Wirth does not limit urbanism to incorporated cities or specific political boundaries. He calls it a "way of life." It is associated with population density and heterogeneity. Though the city provides opportunities for a variety of styles of life, it can create problems for those residents who are unfamiliar with its ways and who have no settled traditions congenial to city living.

URBANISM AS A WAY OF LIFE

"A Theory of Urbanism"

". . . The larger, the more densely populated, and the more heterogeneous a community, the more accentuated the characteristics associated with urbanism will be.

"Size of the Population Aggregate"

"Large numbers . . . involve a greater range of individual variation. . . . the greater the number of individuals participating in a process of interaction, the greater is the potential differentiation between them. The personal traits, the occupations, the cultural life, and the ideas of the members of an urban community may, therefore, be expected to range between more widely separated poles than those of rural inhabitants.

"That such variations should give rise to the spatial segregation of individuals according to color,ethnic heritage, economic and social status, tastes and preferences, may readily be inferred. The bonds of kinship, of neighborliness, and the sentiments arising out of living together for generations under a common folk tradition are likely to be absent or, at best, relatively weak in an aggregate the members of which have such diverse origins and backgrounds. Under such circumstances,competition and formal control mechanisms furnish the substitutes for the bonds of solidarity that are relied upon to hold a folk society together.

"Increase in the number of inhabitants of a community beyond a few hundred limits the possibility of each member of the community knowing all the others personally. . . . The multiplication of persons in a state of interaction under conditions which make their contact as full personalities impossible produces that segmentalization of human relationships which has sometimes been seized upon by students of the mental life of the cities as an explanation for the "schizoid" character of urban personality. . . .

"Characteristically, urbanites meet one another in highly segmental roles. They are, to be sure, dependent upon more people for the satisfactions of their life-needs than are rural people and thus are associated with a greater number of organized groups, but they are less dependent upon particular persons, and their dependence upon others is confined to a highly fractionalized aspect of the other's round of activity. . . . The contacts of the city may indeed be face to face, but they are nevertheless impersonal, superficial, transitory, and segmental.

"Whereas, therefore, the individual gains, on the one hand, a certain degree of emancipation or freedom from the personal and emotional controls of intimate groups, he loses, on the other hand, the spontaneous self-expression, the morale, and the sense of participation that comes with living in an integrated society. This constitutes essentially the state of anomie or the social void to which Durkheim alludes in attempting to account for the various forms of social disorganization in technological society. . . .

"Density"

". . . An increase in numbers when area is held constant (i.e., an increase in density) tends to produce differentiation and specialization, since only in this way can the area support increased numbers. Density thus reinforces the effect of numbers in diversifying men and their activities and in increasing the complexity of the social structure.

"On the subjective side . . . the close physical contact of numerous individuals necessarily produces a shift in the mediums through which we orient ourselves to the urban milieu, especially to our fellowmen. Typically, our physical contacts are close but our social contacts are distant. The urban world puts a premium on visual recognition. We see the uniform which denotes the role of the functionaries, and are oblivious to the personal eccentricities hidden behind the uniform . . . .

"We are exposed to glaring contrasts between splendor and squalor, between riches and poverty, intelligence and ignorance, order and chaos. . . . Place of work tends to become dissociated from place of residence, for the proximity of industrial and commercial establishments makes an area both economically and socially undesirable for residential purposes.

". . . Place and nature of work, income, racial andethnic characteristics,social status, custom, habit, taste, preference, and prejudice are among the significant factors in accordance with which the urban population is selected and distributed into more or less distinct settlements. . . . The different parts of the city thus acquire specialized functions. The city consequently comes to resemble a mosaic of social worlds in which the transition from one to the other is abrupt. . . .

"The close living together and working together of individuals who have no sentimental and emotional ties foster a spirit of competition, aggrandizement, and mutual exploitation. To counteract irresponsibility and potential disorder, formal controls tend to be resorted to. . . . Frequent close physical contact, coupled with great social distance, accentuates the reserve of unattached individuals towards one another and, unless compensated by other opportunities for response, gives rise to loneliness. . . . Nervous tensions which derive from such personal frustrations are increased by the rapid tempo and the complicated technology under which life in dense areas must be lived.

"Heterogeneity"

"The social interaction among such a variety of personality types in the urban milieu tends to break down the rigidity of caste lines and to complicate the class structure, and thus induces a more ramified and differentiated framework of social stratification than is found in more integrated societies. The heightened mobility of the individual, which brings him within the range of stimulation by a great number of diverse individuals and subjects him to fluctuating status in the differentiated social groups that compose the social structure of the city, tends toward the acceptance of instability and insecurity in the world at large as a norm. . . . No single group has the undivided allegiance of the individual. . . . By virtue of his different interests arising out of different aspects of social life, the individual acquires membership in widely divergent groups, each of which functions only with reference to a single segment of his personality. . . .

"Partly as a result of the physical footlooseness of the population and partly as a result of their social mobility, the turnover in group membership generally is rapid. Place of residence, place and character of employment, income and interests fluctuate, and the task of holding organizations together and maintaining and promoting intimate and lasting acquaintanceships between the members is difficult. This applies strikingly to the local areas within the city into which persons become segregated more by virtue of differences in race, language, income, and social status, than through choice or positive attraction to people like themselves. . . . There is little opportunity for the individual to obtain a conception of the city as a whole or to survey his place in the total scheme . . . Individuals who are thus detached from the organized bodies which integrate society comprise the fluid masses that make collective behavior in the urban community so unpredictable and hence so problematical.

"Although the city, through the recruitment of variant types to perform its diverse tasks and the accentuation of their uniqueness through competition and the premium upon eccentricity, novelty, efficient performance, and inventiveness, produces a highly differentiated population, it also exercises a leveling influence. Wherever large numbers of differently constituted individuals congregate, the process of depersonalization also enters. . . . Individuality under these circumstances must be replaced by categories. When large numbers have to make common use of facilities and institutions, an arrangement must be made to adjust the facilities and institutions to the needs of the average person rather than those of particular individuals.

Similarly, the cultural institutions, such as the schools, the movies, the radio and the newspapers, by virtue of their mass clientele, must necessarily operate as leveling influences. . . . If the individual would participate at all in the social, political, and economic life of the city, he must subordinate some of his individuality to the demands of the larger community and in that measure immerse himself in mass movement."

SUMMARY

People with differing points of view who are in close contact are likely to come into conflict. These conflicts can and do pose problems for the entire community, not merely for agencies of law enforcement. Established communities have a history of working out their problems -- a network of social institutions which lessen conflict between people. The change taking place today is introducing to our cities newcomers whose experience is based on the bonds of kinship or neighborliness in small towns or rural areas and on the sentiments arising out of living together for generations under a folk tradition. These bonds, which help to hold people together and to guide youth effortlessly to adulthood, are absent or relatively weak in the city. Primary control which operated through the family and a close-knit local community is replaced by secondary controls operating through such agencies as the school and the police. Wirth's article suggests some of the negative features of urban life which seriously affect people: impersonality, anonymity, and the disruption of primary controls.

Abstracted from Seymour B. Sarason in Criminal Law by Richard C. Connelly, Joseph Goldstein, and Richard D. Schwartz, Free Press of Glencoe, Inc., New York, 1962. pp. 872-873. Reprinted by permission.

INTRODUCTION

The I.Q. index has become a critical tool and is used by many schools to separate children into different groupings. When a youngster is assigned to a lower grouping by virtue of his test scores, then chances are that his grades will reflect the school's evaluation of him.

Cautious use of the intelligence test scores should assure that official agencies interpret them only as part of a general evaluation of the youngster.

"PSYCHOLOGICAL PROBLEMS IN MENTAL DEFICIENCY"

Intelligence tests, basically, measure educational opportunity and achievement. This has far reaching and disturbing implications since the possibility exists that these tests are only a measure of a restricted range of problem-solving stimuli and intellectual activities. For many children, particilarly those designated as mentally retarded or slow learners, there is a possibility that these stimuli and activities, observed in a test or school setting, are of a different level and/or kind from those observed outside such settings. It is possible that the range of cross-cultural differences may be found, though to a lesser degree, within groups if a representative sampling of problem-solving behavior was obtained. This is not to equate problem-solving with all intellectual activity or thinking behavior. Rather it is stressed because it enables us to make inferences about types and characteristics of thought processes. It is equally important to note that the problem-solving situation, as an example of motivated behavior, enables us to study relationships between intellectual and personality variables. Practicing clinicians will readily confirm that intelligence tests may be good indicators of educational achievement and poor indicators of non-academic intellectual activity.

SUMMARY

Sarason emphasizes the fact that intelligence tests tap only certain kinds of problem-solving abilities. Some work has been done to develop "culture free" tests but without a great deal of success since all tests must contain problems which are relevant to particular situations. And yet it is

possible to develop a lower-class I.Q. test which the high achieving middle-class student would fail.

Consequently, a low I.Q. and a poor school record may only indicate the failure of the school to "reach" the youngster, whose intelligence lies in areas undervalued by the school. It is important that the I.Q. be used only with full awareness of its many limitations.

Third Setting

Juvenile Court, the following day; a detention hearing.

Characters

The Judge	Juvenile Court
Herb Brownlow	Probation Officer
Mandy James	Ralph's Mother
Ralph James	Juvenile Offender

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
Ralph James

Age ..16...... Birthdate .6/18/47......

Address .1706.Devon.St.,.Osborne.City...

No. ..Case.III...

SUPPLEMENTAL PETITION

I, the undersigned petitioner, say on information and belief:

(1) The person named in the above caption is/~~is not~~ a ward of the above entitled Court.

(2) The previous orders of this Court have not been effective in the rehabilitation of the above named person, in that: he last appeared before this Court on June 5, 1963, and was placed under the care and supervision of the Probation Officer; this order is still in full force and effect;

That he is a person described by Section 602 of the Welfare and Institutions Code in that on or about September 20, 1963, he did wilfully and unlawfully take a purse and contents, said property being the property of and in the possession of Mrs. S. J. Roach, 560 Hawthorne Avenue, Osborne City, California, against said person's will and by means of force and fear, there violating Section 211 of the Penal Code of California;

Father: Samuel James, whereabouts unknown
Mother: Mandy James, 1706 Devon Street, Osborne City, California

Taken into custody at 8:20 PM on September 20, 1963

The above named person is/~~is not~~ detained. Hearing as to further detention is set for 1:30 PM on September 23, 1963

Therefore, I request that the Juvenile Court have a further hearing on this matter.

Dated.**September.23,.1963.**

Bud Haley
....
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of Ralph James 16 years, 3 months (Age Years)	Proceeding No. Case III RECOMMENDATION FOR ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the supplemental petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

( ) Said minor has violated an order of the Juvenile Court.

( ) Said minor has escaped from a commitment of the Juvenile Court.

( ) It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

(x) It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

(x) Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:

Ralph was brought to Juvenile Hall by a police officer at 8:45 PM on September 20, 1963. An Osborne City patrolman was stopped on the street by an hysterical woman claiming that she had been robbed of her purse. The patrolman drove the woman around in his car. On Hawthorne they spotted two boys fitting Mrs. Roach's description. When approached by the officer Ralph immediately ran while the other boy, Matthew Johnson, remained by the car. After the officer apprehended him James was taken into the patrol car where he was quite hostile.

The boy admits knocking this woman off balance and grabbing her purse. He also admits a robbery the previous evening which is currently being investigated.

His previous history consists of: reprimand and release following a report from school officials that he had threatened a schoolmate with a knife on April 12, 1962; declared a ward of the court and placed on probation as the result of the sustaining of a petition alleging auto theft, June 5, 1963.

DETENTION HEARING

The Judge signalled to Herb Brownlow that he was ready for the next hearing, and Herb signalled to Bailiff Hank Williams to open the courtroom door. Three teenage boys, two of them white and one Negro, marched in, single file. A Juvenile Hall counselor brought up the rear. The boys were seated in a row of chairs slightly to the right of the court desk. The counselor sat a few feet from them. Hank Williams then opened the courtroom door again and ushered two white couples and a Negro woman into the courtroom. They were seated in a row of chairs about ten feet behind the boys.

Herb Brownlow picked up one of the three folders on his desk. "Boys, answer when your name is called. Duncan David Karp?"

One of the white boys put up his hand limply. "Here," he said.

"Are Duncan's parents present?" the probation officer asked glancing at the row of adults. One of the white men put up his hand.

"I'm Duncan's father and this is his mother," he said in a firm voice, motioning to the woman seated next to him.

"William Ganther?" the probation officer went on.

"We're here," the other white man said with vehemence. His wife was clutching his arm. William said nothing.

"Ralph James?"

"Here", the Negro boy said in a bored tone.

"And you're Mrs. James, Ralph's mother?" the probation officer asked.

"That's right, Your Honor," she said shyly.

Herb nodded to the Judge, who straightened up in his chair and looked sternly at the boys. "Our purpose today is to determine where you are going to stay until your hearings."

The Judge spoke loudly enough so the adults could hear him clearly. "Between now and the dates of the hearings the probation officer will complete his investigation of the circumstances of each of your cases. If it is necessary, the probation officer may bring in witnesses at the hearing to prove the allegations. Each of you can bring in witnesses to testify on your behalf. If you or your parents want to bring in any witnesses, you should give the names to the clerk of the court or the probation officer and we will see that subpoenas are issued. If there should be insufficient evidence at the hearing, the petition will be dismissed in your case and that will be the end of the matter. However, if the evidence shows that you have violated the law as your petition alleges, we will have to determine what the best course of treatment for you should be.

"The purpose of the juvenile court is to help young boys like yourselves to grow up into healthy, law-abiding citizens. The court prefers that this growing up be done in the home, but the home may not always be the best place for you. Sometimes an institution can give you better training."

"Now, I assume you have all been informed that you are entitled to have an attorney represent you. It is not necessary to have one, but if you want one, it would be a good idea to contact one as soon as possible. If you cannot afford one, the public defender will represent you. If you are in detention, you can ask for your probation officer to contact your attorney for you."

NOTE: As our readers know, the court often considers at the same hearing the cases of youths involved in unrelated crimes. In this instance, for the purpose of "setting the stage," three youths have been introduced; for the sake of brevity, only the case of Ralph James will be considered. Readers are referred to Case IV for the decisions made with regard to Duncan Karp and William Ganther, pp. 170-171.

The Judge turned to the Negro youngster, Ralph James, who was smirking at William Ganther sitting next to him.

"Ralph, and Mrs. James, do you understand the allegations?"

"Did Ralph say he did it?" Mrs. James asked.

"Ralph's report states that he admits taking the woman's purse, Mrs. James," the Judge answered patiently, "but we are here today only to decide if Ralph will be detained pending this hearing."

"I understand, Your Honor," Mrs. James said.

The Judge looked at the recommendation for order of detention. He signed the detention order and handed it to the clerk. "Mrs. James," he said, "Ralph is going to have to stay here until his hearing."

"All right, boys, you can get up now," the bailiff said. "Parents will remain seated." The boys stood up and followed the counselor out of the room in orderly single file. Then the parents left, all talking at once.

DISCUSSION

The case of Ralph James is most assuredly an argument against bail in juvenile court cases. He is clearly a threat to the community and to himself. To release such a boy would be in invite disaster. (One of the ironies is that if he were to be remanded to criminal court for prosecution, he would become eligible for bail.) On the other hand, keeping him in Juvenile Hall means that he may be detained in the same quarters with boys of 11 or 12. Moreover, older boys may "learn" from him, either as "buddies" or as "victims."

Should a special effort be made to schedule early hearings for boys like Ralph James in order to determine quickly whether they will be certified to criminal court?

Fourth Setting

Juvenile Court, two weeks later; an adjudication hearing.

Characters

The Judge	Juvenile Court
Ben Lacey	Board of Supervisors
Bud Haley	Probation Officer
Mr. and Mrs. H. Johnson	Matthew's Parents
Mandy James	Ralph's Mother
Matthew Johnson	Juvenile Offender
Ralph James	Juvenile Offender

ADJUDICATION

The Judge usually arrived at his office at 8:30 A.M. This gave him enough time before court commenced at 10 A.M. to dispose of his correspondence, review the folders on the cases calendared for the day and scan the New York Times and the local newspaper. On this morning, the Judge was just reaching for the Osborne City Gazette when the phone rang.

"Judge, this is Ben Lacey. How ya doing?"

"All right, Ben. How's the public business operating?" Lacey was on the Board of Supervisors. His election platform had been that only a business man like himself could bring real efficiency to county government. He was on record as opposing the proposed salary increases for the probation department.

"Well, if we all do our jobs, things will be all right," Lacey replied.

"A little bomb is going to explode any moment," the Judge said to himself.

"Judge, I thought I'd remind you that the Finance Committee is holding hearings on the salary increases for the probation department next Thursday evening. We'd like to have you appear to answer some questions."

"Might as well light the fuse," the Judge thought to himself. "Of course, Ben, be glad to be there. Those raises are long overdue."

"Yes, well, we'll see, Judge. See you Thursday."

The Judge began to read the Gazette. Almost immediately a boxed front page story caught his eye. It was about the hearing to be held in the Judge's court that morning concerning two purse snatchers. Ben Lacey was quoted in the article as stating that something had to be done about the young hoodlums who were roaming the streets of the city and threatening the property and the physical safety of law-abiding citizens. He was in favor of purse snatchers receiving severe punishments which would "make examples of them"

"So that's what was bothering old Ben," the Judge said to himself.

The long hand of the clock jumped forward. It was 10 o'clock. The Judge struggled into his robe and headed for the courtroom.

* * * * *

In the courtroom, Matthew Johnson sat in a crouched position in his chair. His mother and father were with him. Mrs. James was sitting with her son, Ralph. The petitions had just been read by the clerk. Bud Haley had informed the Judge that both boys were prepared to admit their involvement.

The Judge turned to Ralph. "Now, tell me exactly what happened."

"I took a lady's purse," said Ralph looking at the ceiling.

"From what direction did you approach the woman, front or rear?"

"Behind," Ralph shrugged.

"Did you say anything?"

He shrugged his shoulders again.

"Well, did you say anything?"

Ralph looked at the Judge. "I told her, 'gimme the purse.'"

"Then what happened?"

"She turned around and I shoved at her. I got the purse and took off and this here cop shot at me."

"Did the woman fall down when you shoved her?"

"Maybe she did."

"Did the policeman fire his gun when you were running away, right after you took the purse?"

"I dunno, man, I mean Judge, maybe he shot at me later on."

The Judge then turned to Matthew. "Matthew, when Ralph went to look for someone to steal from, did the two of you have any idea who it was going to be?"

"Uh-uh." Emphasis on the first grunt. Matthew had his hand in front of his mouth. He was quite nervous.

"No?"

"Nope."

"All right. Did you at any time go out with Ralph to look for someone to rob?"

"No, I was too scared. I waited by the fountain."

"Did Ralph come back after he left you?"

"Uh-uh." Emphasis on the second grunt.

"No? Please put your hand down. I can't hear you."

"No, I mean yeah. Ralph come back."

"What did he say to you?"

"He said we had to cut out."

"Cut out?"

"Yeah, we had to cut out of there."

"Did he tell you why?"

"No."

"Then what happened?"

"Well, we was going down the street when this here cop car came up and they said that we should stop. Ralph started running and the cops shot at him."

"Did Ralph give you anything while you were going down the street?"

"No."

"Very well. Mr. Haley, would any of your witnesses testify any differently?"

"No sir."

"All right, I'm going to sustain the allegations concerning Ralph James, and dismiss the petition filed on behalf of Matthew Johnson for insufficient evidence."

"But, Your Honor, the boy obviously conspired. . ." Bud Haley began to protest.

"The petition doesn't allege conspiracy, and the evidence does not sustain the elements of conspiracy because there is no showing of agreement to participate in the particular robbery that was committed."

"What about the other theft he admits to?"

"That's not in issue here."

The Judge turned to the Johnson family who were still seated.

"You can go now, Mr. and Mrs. Johnson."

"You mean you ain't gonna do nothin' to Matt, Your Honor?" Mr. Johnson asked timorously.

"No, but Matthew had better learn his lesson from this. He could have been in very serious trouble."

"We'll see that he behaves. Thank you," said Mr. Johnson. He bowed slightly several times to the Judge as he backed out of the door after his wife and son.

The Judge turned back to Ralph who was drumming his fingers on the side of his chair.

"Ralph, look at me."

Ralph grimaced, and looked at the Judge.

"Ralph, what's bothering you?"

"That ***** ***** ."

"We'll have none of that language here,"the Judge cut in sharply.

"Well, the man shot his big gun at me. All I'd done is knock a lady down.

"You could have killed her when you knocked her down. She should be just as mad at you for what you did to her. The officer at least was doing his job."

"Yeah." Ralph looked down at the floor.

"How do you even know the officer shot at you?"

"I heard a shot, man."

"The officer says he shot in the air."

"I don't know about that." Ralph shrugged again.

"You should be thankful the officer took such pains not to shoot you."

Ralph said nothing. The Judge turned to his mother. "Mrs. James, how has Ralph been at home?"

Mrs. James looked at the Judge but didn't answer.

"How does he treat you?" he asked again.

"He gimme some back talk sometimes."

"How does he get along with his younger brothers and sisters?"

"Oh, he's fine with them. They look up to him."

"Ralph," the Judge turned back to the boy. "Do you know what the probation officer recommends I do with you?"

Another shrug.

"Do you want to go to the Youth Authority?"

"No."

"Do you think you're worth another chance?"

"I dunno if I am. Why don't everybody quit buggin' me?"

"Does your mother bug you?"

"Oh, she's O.K., I guess, but she picks on me too much."

"Ralph, you leave me no choice but to send you to the Youth Authority. Right now you're too much of a threat to other people and yourself to be sent home."

Bud Haley did not try to hide his audible sigh of relief.

Suddenly Ralph stood up, screaming a stream of four-letter words at the Judge. The Bailiff and the probation officer grabbed him and dragged him out of the room. As Bud went past Mrs. James, he tried to reassure her. "He'll be all right. They'll teach him how to behave properly, and maybe he'll learn a trade."

She held her hands together tightly and looked vacantly at him.

Though judges are aware of the shortcomings of both the classical system of punishment used in the criminal court, and of the experiments with rehabilitation in the juvenile court, most judges feel the latter offers more promise for eventually reducing crime and delinquency. Unfortunately, a substantial segment of the community still believes in punishment as the sole deterrent. Consequently, it is very easy for those who wish to cater to the ignorance of the general public for their own personal gain (politicians desiring votes, newspaper editors desiring sales, administrators desiring a scapegoat for their errors) to use the juvenile court as a whipping boy for the social problems which beset society. In this case, the politician implicitly threatened to use his influence to deny adequate funds to the probation department if the case were not settled the way he wanted. The Judge was put on the spot, because improved performance in probation would be impossible without decent pay. In fact, without improved performance the entire juvenile court idea could be scuttled. Often judges hold their breath when they feel the screws of extrajudicial pressure tightening on them. They may remove the more difficult cases from juvenile court by certifying them to criminal court. This could have been done in the case of Ralph James. At times, judges will permit the allegations of the petition to be sustained even though the evidence is flimsy, and then attempt to "protect" the boy by dispensing a "light" disposition such as probation. Each judge must examine his own conscience as to the best course to pursue.

Some judges actively engage in community relations in a deliberate effort to forestall the creation of extrajudicial pressures. Many judges are appointed from the ranks of successful politicians and maintain a discreet interest in local politics. For example, the Judge was aware of the political position of Supervisor Lacey. Political sophistication on the part of the judge is indispensable in maintaining the viability of the juvenile court and is one of the most persuasive arguments against appointing only academic "experts" to the juvenile bench.

Judges must also be aware of social realities. No matter how unprejudiced the judges, policemen, and probation officers may be, one of the social facts of life is that certain minority groups, chiefly the Negroes, have been treated in the past with gross unfairness and bias by white-controlled authoritarian agencies. It is not surprising that Negroes regard these agencies with suspicion, distrust and hostility. The personnel in these agencies must be sympathetic and understanding of these feelings. Excessive humility, fumbling thankfulness, and superficial gaiety are some of the techniques Negroes have developed through the years to ward off harsh treatment by whites. Mr.

To better understand minority group reaction to certain well meaning social institutions, see pps. 109-112.

Johnson's obsequious fawning before the judge is an example. It is difficult to overcome almost 350 years of history in a few minutes. Nevertheless, the Judge was making a beginning. He treated the Negro adults with the same respect accorded white parents. He made an obvious effort to be fair to Matthew and he accepted the fact that the James family was a viable one despite the irregular marital status and lack of a dominant male in Ralph's home.

Equal treatment before the law, however, does not mean that violent or antisocial behavior should be tolerated. Thus, the judge was correct in not permitting Ralph James to "sound off" in the courtroom even though such colorful language is common among certain lower-class Negro elements. The Judge, however, did not let the use of this language influence him against the boy. Similarly, though violence is an acceptable method of solving disputes and establishing status among lower-class Negro boys, the Judge took the only step open to him to insure that Ralph's propensity toward uncontrolled violence would not continue to be a threat to others in the community, white or black.

Throughout the hearing the Judge made an earnest attempt to maximize communications. However, no matter how careful a judge is to conduct a fair hearing, it is not always possible to overcome all of the shortcomings inherent in the public confrontation of inarticulate and untrained people with constituted authority. Despite the simplicity of the proceedings, Matthew's parents did not seem to know that the charges against their boy were being dismissed. All too often judges fail to understand the limited level of comprehension of parents and youths concerning the progress of the hearing. Perhaps the Judge should have made sure that the parents were aware of the import of the testimony earlier in the hearing. Luckily, in this instance no obvious harm resulted from his failure to do so.

On the other hand, the judge should not be mislead into thinking that youths such as Ralph James are dull witted, simply because they speak a special language made up of short sentence fragments and esoteric slang. Such youths may be extremely intelligent and quite crafty. Those who have been court wards, especially if they have been institutionalized, are often "con-wise." They know the acceptable types of responses and offer them glibly. As a "red herring" to divert attention from the allegations against them, they frequently complain of mishandling and unnecessary force or provocation by law enforcement officials. Ralph's answers to the Judge's questions perhaps indicated a growing sophistication about how to act when in trouble. He underplayed the offense by stating that he took a lady's purse. This sounds less serious than saying that he grabbed the purse from a lady's hand. Moreover, he neglected to comment directly on whether his victim had fallen down but placed considerable emphasis on the great injustice of being shot at.

That the Judge was aware of Ralph's sophistication can be inferred from the wording of his questions. Instead of emphasizing the treatment philosophy of the court the Judge stressed the authoritarian and punitive aspects. For example, the Judge asked Ralph, "Do you know what the probation officer recommends I do with you?" He could have asked, "Do you know what the

probation

officer recommends I do to help you get straightened out?" The latter statement implies that both the Judge and Ralph agree that Ralph's conduct needs correcting.

Consider the following exchange:

Judge: Do you want to go to the Youth Authority?

Ralph: No.

Judge: Do you think you're worth another chance?

Here the Judge has given up any pretense of suggesting that the Youth Authority commitment is for treatment purposes and that Ralph's"chances" may in fact be enhanced by such a commitment. Even if the reality of a Youth Authority commitment corresponded exactly to the theories under which it is made (a highly debatable point) it would do no good to say this if Ralph did not believe it. On the other hand, stressing the positive values of Youth Authority training, as the probation officer did to Ralph's mother, makes more sense since she may still have hopes that with the proper guidance Ralph will "straighten out." Not only will such a gesture allay her feelings of alarm but it may begin the process of eliciting her support in rehabilitative efforts.

Some authorities might say that the Judge provoked Ralph's emotional outburst by his conduct of the hearing. This is probably so but it is not determinative of whether the hearing was unsuccessful. The outburst may in fact indicate that the Judge had "reached" Ralph. This may have been the first step in overcoming Ralph's image of the juvenile court as a naive and unrealistic organization to be treated with boredom, impatience and contempt.

An issue which frequently arises in purse snatching cases is whether the offense is robbery or theft. This question turns on whether "force" or "fear" were used to take the property. In most cases, robbery is not alleged unless bodily harm has been inflicted or attempted, or the victim has been threatened with a weapon or with words. In this case, the facts were not clear in the probation report, but through direct examination, the Judge was able to determine that Ralph used threatening words, and committed a violent act which could have led to grave bodily harm. Therefore, he sustained the robbery allegations.

It is not enough, however, for the judge to be an astute legal expert. He must also have a behavioral scientist's comprehension of the juvenile adjudication process. In this case, a group of boys got together and in a spirit of mutual braggadocio agreed to commit "robberies." This is not an unusual occurrence and often nothing comes of it. Legally, the boys had entered into a conspiracy and had broken the law. In practice, action is almost never taken on such offenses because of (1) the practical problem of detection and apprehension, (2) the technical problem that the testimony of co-conspirators by itself is insufficient to establish the corpus delicti, and (3) the theoretical problem of how society will benefit from the adjudication of youngsters who do not know themselves whether they are joking or serious.

Often, however, the police are likely to investigate crimes to discover whether youths are "implicated." As in this case, implication in the conspiracy can come quite close to participation in the crime and the police leave it to the discretion of the probation authorities to decide whether further action should be taken. Many times youngsters such as Matthew Johnson are screened out and never taken to court.

In this case, it was left up to the Judge to decide whether (1) Matthew had actually participated in the purse snatch and (2) if he had not, whether there was evidence of conspiracy to commit the robbery. The evidence clearly indicated that Matthew was not implicated and the Judge did not feel the evidence was sufficient for a conspiracy allegation. Matthew admitted having robbed a boy the previous night but this offense was not in evidence, and legally the Judge could not take notice of it.

Assuming the facts justified it, do you feel that a finding by the Judge of jurisdiction over Matthew would increase or decrease the probability that Matthew will engage in future delinquent acts?

In answering this question, would the following factors influence you one way or another:

1) Matthew's home situation?
2) The quality of the probation department's supervision services?
3) The compiling of a juvenile court record?

In connection with the last question, consider how Matthew is likely to be regarded by his teachers and the parents of his nondelinquent friends once it becomes known that he is a ward of the court. One of the unfortunate results of a wardship may be to limit Matthew to associations only with others who have been similarly stigmatized. His participation in activities with such associates will probably result in his apprehension once again by the police and then a repeat adjudication and disposition by the court. Eventually, as in Ralph's case, the court may be forced to send Matthew to a custodial institution where he will be thrust into an environment which demands that he adopt the values of his fellow "delinquents" as the price of survival. Soon he may come to see law enforcement personnel as "them" and delinquents and criminals as "us." His"education" as a criminal would then be complete.

Because of the possible undesirable consequences of labelling a boy as a ward of the court, some judges refrain from taking any action even after a finding has been made. Others resort to the procedure of probation without wardship when they feel some attention from a probation officer would be desirable. Even though there are many potential dangers in custodial commitment, the judge has little choice in some cases because of the youth's threat to the community. It is clear that this was such a case, but it is not clear why Ralph James was not committed to a county camp instead of to CYA. The probation report should have considered this alternative. County camps are usually not equipped to handle psychological problems, especially those requiring extensive confinement. However, the probation report was ambivalent on this point: it implied that Ralph had emotional problems and therefore needed long-term treatment, yet it specifically stated that there was no "pathology in thinking" and that treatment should be devoted to redirecting his attitudes.

Do you feel that commitment to a camp rather than to a CYA would have been more likely to assure that Ralph would not recidivate? In answering this question, which of the following factors would influence you one way or another?

1) The likely difference between waiting periods in Juvenile Hall for boys committed to camp or CYA?
2) The likely differences in length of time boys committed to camps or CYA will be confined?
3) The existence of specialized facilities at CYA, such as psychiatric aid and opportunities to learn a trade?
4) The fact that the community regards a CYA commitment as a more "severe punishment" than confinement in a county camp?

Do you think the Judge should have presented the CYA commitment as being essentially for custodial purposes?

Should the probation officer have explained to the mother the purpose of a CYA commitment?

From John P. Spiegel in Jules H. Masserman, MD. (ed.), Individual and Familial Dynamics, New York: Grune & Stratton, Inc., 1959. pp. 161-175. Reprinted by permission.

INTRODUCTION

The community at large finds it difficult to understand that the values espoused by low-income families are legitimate ones. If we view such families' strategies for survival and their problem-solving devices as appropriate for the set of circumstances in which they find themselves, then our own relationship to them as professionals requires re-examination.

Spiegel, a psychiatrist who has had considerable experience with lower-class Irish clients, suggests what this might mean in terms of our methods of operation.

"SOME CULTURAL ASPECTS OF TRANSFERENCE AND COUNTERTRANSFERENCE"

"In recent decades, the cultural anthropologists have brought to everyone's attention the extraordinary variety in patterns of living and in basic values throughout the world. As Florence Kluckhohn has stated, continuous cross-cultural research has demonstrated that although people everywhere face much the same problems and choices between alternatives, they do not find the same solutions for them. Moreover, it has been shown that the cultural value orientations guiding these solutions are not superficial, nor are they present in conscious awareness. On the contrary, although they pervade every area of thought and activity, they can usually be formulated only in the most fragmentary fashion, if at all. They thus represent an example of a phenomenon which has recently been called 'behavior without awareness'. . . .

[As Florence Kluckhohn has said], Three major assumptions underlie both the classification system of value orientations and the theory of variation in value orientations. First, it is assumed that there is a limited number of common human problems for which all peoples at all times must find some solution. . . . The second assumption, then, is that while there is variability in solutions of all the problems, it is neither limitless nor random but is definitely within a range of possible solutions. The third assumption. . . is that all variants of all solutions are in varying degrees present in all societies at all times. Thus, every society has, in addition to its dominant profile of value orientations, numerous variant or substitute profiles.

[The psychologist working with a family in difficulties or with one child in a family setting brings with him a set of values derived from American middle-class orientations. He has a neutral attitude toward good and evil; he believes man can attain mastery over nature; he accepts the predominant emphasis on the future, though he uses the past, (e.g., reconstruction of early childhood) to point to it; he believes in the importance of doing and performance, and in individualism. The psychologist, the case worker and the therapist define reality in terms of these values, but the reality that their clients are adjusting to may be quite different.]

"For purposes of illustration [how would] a father in one of our [lower-income] Irish-American families. . . perceive the 'reality' of the behavior which the therapist expects of him? He is expected to tell everything he knows about himself. But his training is that one does not tell intimate details about oneself, even to family or friends, much less a total stranger. If the details are shameful or guilt-ridden, one doesn't even admit such things to oneself. They are too suffused with evil, and there are only two ways to handle such things. Either deny their existence, or confess them to a properly constituted authority such as a priest. . . .

"But, one might well ask, how about the 'benevolent neutrality?' Won't this neutral attitude help to counteract the fear of sinfulness and its associated hostility to the sinner? Unfortunately, the answer is again no. In the perceptions of the [lower-class] Irish-American patient, such an attitude is hypocritical. It smacks of the benevolence of the upper classes toward the 'deserving poor.' It signifies merely that one's real feelings remain undeclared behind a concealing mask of condescension. Hiding one's real feelings is a familiar affair, and, according to his experience, is inevitably followed by brutal frankness when it is least expected. So this'neutrality' is merely a matter of waiting for the axe to fall.

SUMMARY

The premises upon which Spiegel's investigation was made are perhaps too complex to be summarized so briefly. What he does suggest, however, is that subcultures do exist in our society and that our methods of working with people within these subcultures must be reformulated to suit their needs and orientation. If this reformulation does not occur, we find ourselves trying to transform lower-class clients into middle-class ones without changing the fundamental conditions from which their values spring. Thus we complicate the problem rather than help in its solution.

In an effort to deal with the problem, Spiegel has developed some striking modifications in the traditional setting of psychotherapy. The therapists at times attended family celebrations, accompanied the father to his place of work and conducted therapeutic interviews in this setting, as well as in trucks, bars, and other unusual places.

CASE FOUR

Joyriding, Possession of Liquor, No Operator's License.

First Setting

Police Station, later the same evening: The desk sergeant is discussing the arrest of five juveniles with the officer in relation to a reported auto theft.

Characters

Sgt. Mike Keats	Juvenile Bureau
V.B. O'Rourke	Arresting Officer
D.T. Thornton	Complainant
William Ganther	Juvenile Offender
Duncan Karp	Juvenile Offender
John Carter	Juvenile Offender
Bonnie Ward	Juvenile Offender
Hilary Peterson	Juvenile Offender

Officer O'Rourke had just come in with five youngsters, all about 16 and all scared and sheepish.

"I caught these youngsters in a stolen car with a bottle of bourbon, Sarge. What should I do with them?"

"Let's see the Contact Report. You make out an Offense Report too?"

"Here it is. And here are the Contact Reports. I haven't made out Processing Reports yet. They haven't given much trouble. I think we could probably reprimand some of them."

"I'll take a look at the reports."

Notification of OFFENSE REPORT
Osborne City - Howard County
Copy to Division

ACTION

OFFENSE REPORT

OFFENSE NO. 10085	DATE REPORTED 20 Sept. 1963	TIME REPORTED 9:15 PM	TAKEN BY Smith
DIVISION NO.	DATE REFERRED 20 Sept. 1963	TIME REFERRED 9:20 PM	TAKEN BY Smith

ORIGIN OF REPORT Patrol call in	NAME K.B. O'Rourke	ADDRESS #039	PHONE

REPORT Call in Patrol (O'Rourke #039). Stopped 5 juveniles. Given go ahead to act.	RELATED OFFENSE REPORTS

ACTION TAKEN

DIVISION Juv.	DATE 20 Sept. 1963	TIME 9:15 PM	TAKEN BY K.B. O'Rourke

SUSPECT	ADDRESS	PHONE	PROCESS REPORT NO.
William Ganther	348 Astoria Drive	CL 2-1640	
Duncan Karp	635 Pine Street	CL 4-2992	
John Carter	630 Beech Street	None	
Bonnie Ward	637 Sycamore	CL 4-4040	
Hilary Peterson	740 Beech Street	CL 4-1978	

WITNESS	ADDRESS	PHONE	OCCUPATION
D.T. Thornton	621 Pine Street	CL 4-1121	

REPORT
Stopped car with five juveniles (above). Unopened bottle of liquor, no valid op. lic. Juveniles admitted stealing car. Had board call reg. owner who identified car (description) and said he would pick it up. Took juveniles to Juv. Bur. Thornton to meet us there.

DISPOSITION	DATE	TIME	MADE BY

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div. Juv. Hall/OR & R

☐ Station Interrogation

☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

NAME Duncan Karp

ADDRESS 635 Pine Street

PHONE CL 4-2442

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
4 Aug 48	Cal	M	W	15	5'2"	115	Br	Br	Med

DRESS, SCARS, ETC. none

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Rewault HS	10	20 Sept 63	9:15	Mark Twain/Chestnut	PC 4996

REASON FOR CONTACT saw liquor in car of juveniles while passing

DETAILS OF CONTACT 9:15 P bottle of liquor displayed in car of juveniles while passing — no valid driver's license — car found to be stolen.

REFERENCE NUMBERS (FILES)

NAME OF ARRESTING OFFICERS (OR CITIZENS) K. B. O'Rourke

BADGE NUMBERS (OR ADDRESSES) # 039

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________pm/am on ______________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation

☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME William Gantler

ADDRESS 348 Astoria Drive

PHONE CL 2-1640

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
2 May 47	Cal	m	w	16	5'8"	135	Bl	Br	Med

DRESS, SCARS, ETC. Scar - right ear lobe (small)

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Rivinett HS	11	20 Sept 63	9:15	Mark Twain / Clark ave	499c PC

REASON FOR CONTACT Saw liquor in car of juveniles while passing

REFERENCE NUMBERS (FILES)

DETAILS OF CONTACT 9:15 Saw bottle of liquor displayed in car of juveniles, stopped car - No valid drivers license in group - Car found to be stolen - Brought in

NAME OF ARRESTING OFFICERS (OR CITIZENS) K.B. O'Rourke

BADGE NUMBERS (OR ADDRESSES) #039

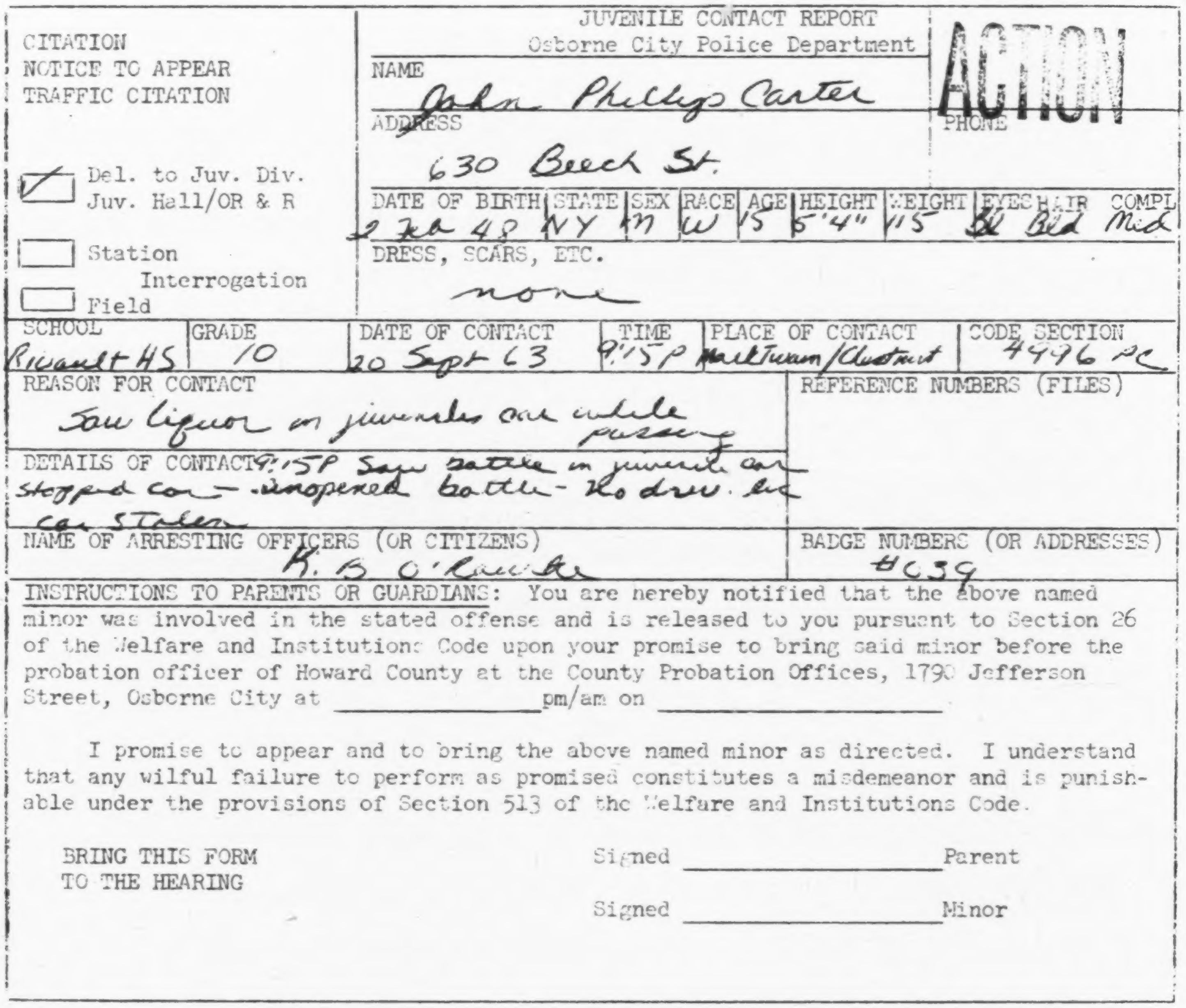
INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on __________________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ________________ Parent

Signed ________________ Minor



CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation
☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME John Phillips Carter

ADDRESS 630 Beech St.

PHONE

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
2 Feb 48	NY	M	W	15	5'4"	115	Bl	Bld	Med

DRESS, SCARS, ETC. none

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Rivault HS	10	20 Sept 63	9:15P	MarkTwain/Chestnut	4496 PC

REASON FOR CONTACT Saw liquor on juveniles car while passing

REFERENCE NUMBERS (FILES)

DETAILS OF CONTACT 9:15P Saw bottle in juvenile car stopped car — unopened bottle - No drv. lic car Stolen

NAME OF ARRESTING OFFICERS (OR CITIZENS) K. B. O'Rourke

BADGE NUMBERS (OR ADDRESSES) #639

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on ____________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation

☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Bonnie Ward

ADDRESS 637 Sycamore

PHONE CL 4 4040

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
9 May 49	Cal	F	W	14	5'1"	100	Bl	Bld	Lt

DRESS, SCARS, ETC. None

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
McCloy Jr. Hi.	9	20 Sept 63	9:15	Mark Twain / Chestnut	4996 PC

REASON FOR CONTACT Saw liquor in juvenile's car while passing

REFERENCE NUMBERS (FILES)

DETAILS OF CONTACT 9:15 PM Saw bottle of liquor in car of juveniles - stopped car - no valid op. lic. Car stolen

NAME OF ARRESTING OFFICERS (OR CITIZENS) R B O'Rourke

BADGE NUMBERS (OR ADDRESSES) # 039

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________ pm/am on ____________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________ Parent

Signed ____________________ Minor

CITATION
NOTICE TO APPEAR
TRAFFIC CITATION

☑ Del. to Juv. Div.
Juv. Hall/OR & R

☐ Station
Interrogation
☐ Field

JUVENILE CONTACT REPORT
Osborne City Police Department

ACTION

NAME Hilary Peterson

ADDRESS 740 Beach St.

PHONE CL4-1978

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
2 June 47	Cal	F	W	16	5'1"	100	Br	Br	Med

DRESS, SCARS, ETC. none

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
McCoy Jr Hi	9	20 Sept 63	9:15	Mark Twain Jr Hi lot	4996 PC

REASON FOR CONTACT Saw liquor in car full of juveniles

DETAILS OF CONTACT 9:15 saw car - unopened bottle of liquor no valid drivers license among juveniles - car stolen

REFERENCE NUMBERS (FILES)

NAME OF ARRESTING OFFICERS (OR CITIZENS) K.B. O'Rourke

BADGE NUMBERS (OR ADDRESSES) #039

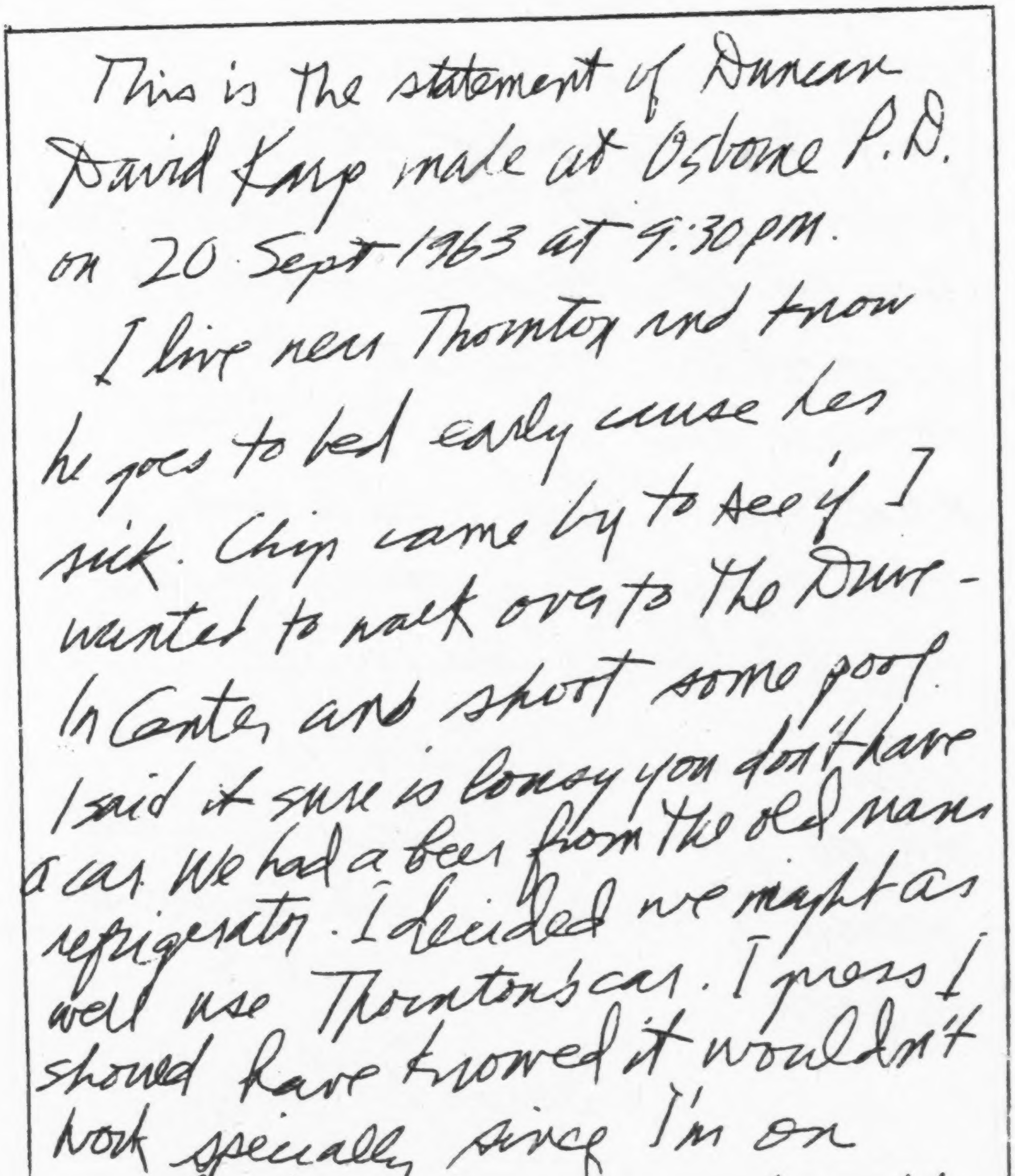
INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ____________ pm/am on ____________.

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

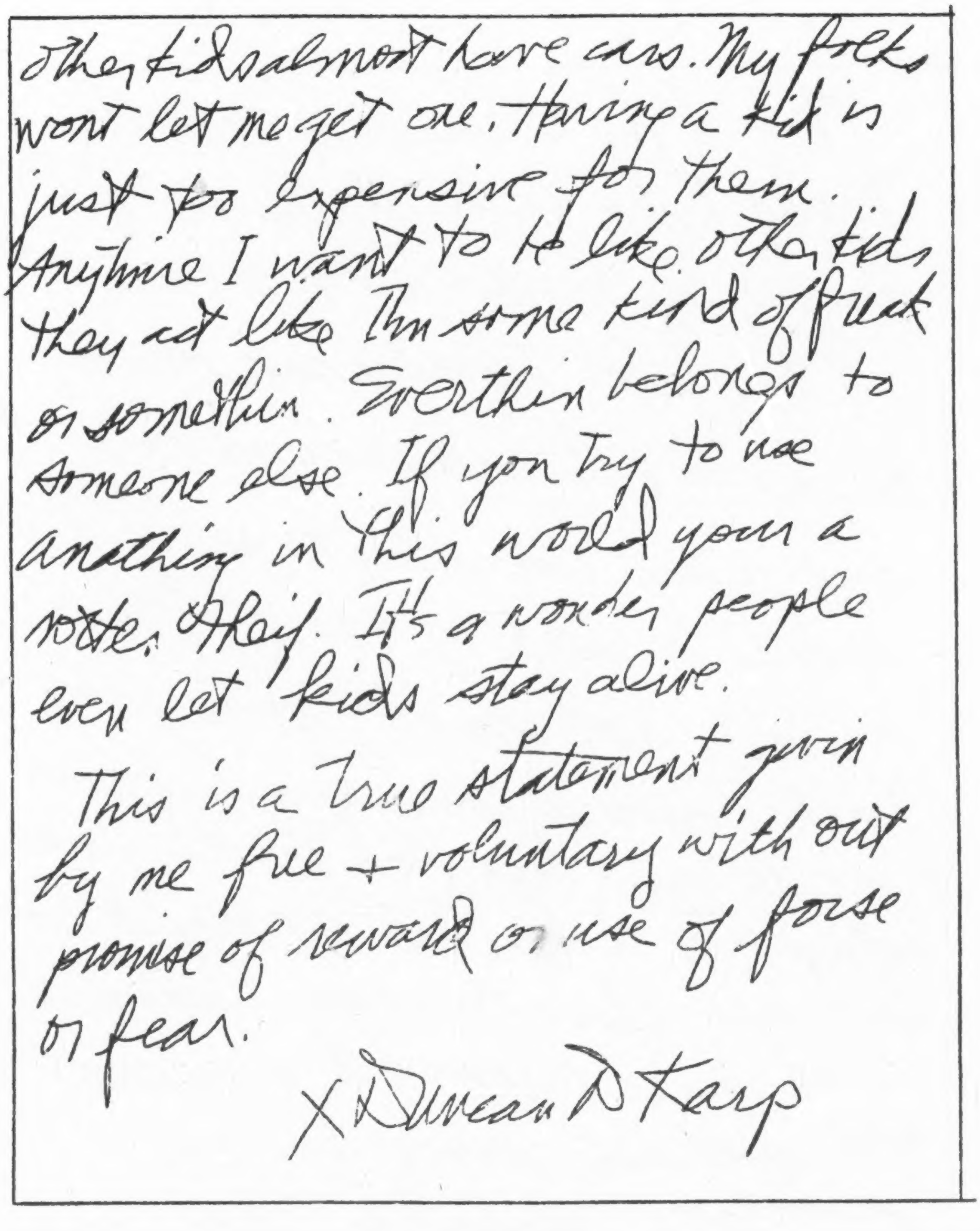
BRING THIS FORM
TO THE HEARING

Signed ____________ Parent

Signed ____________ Minor



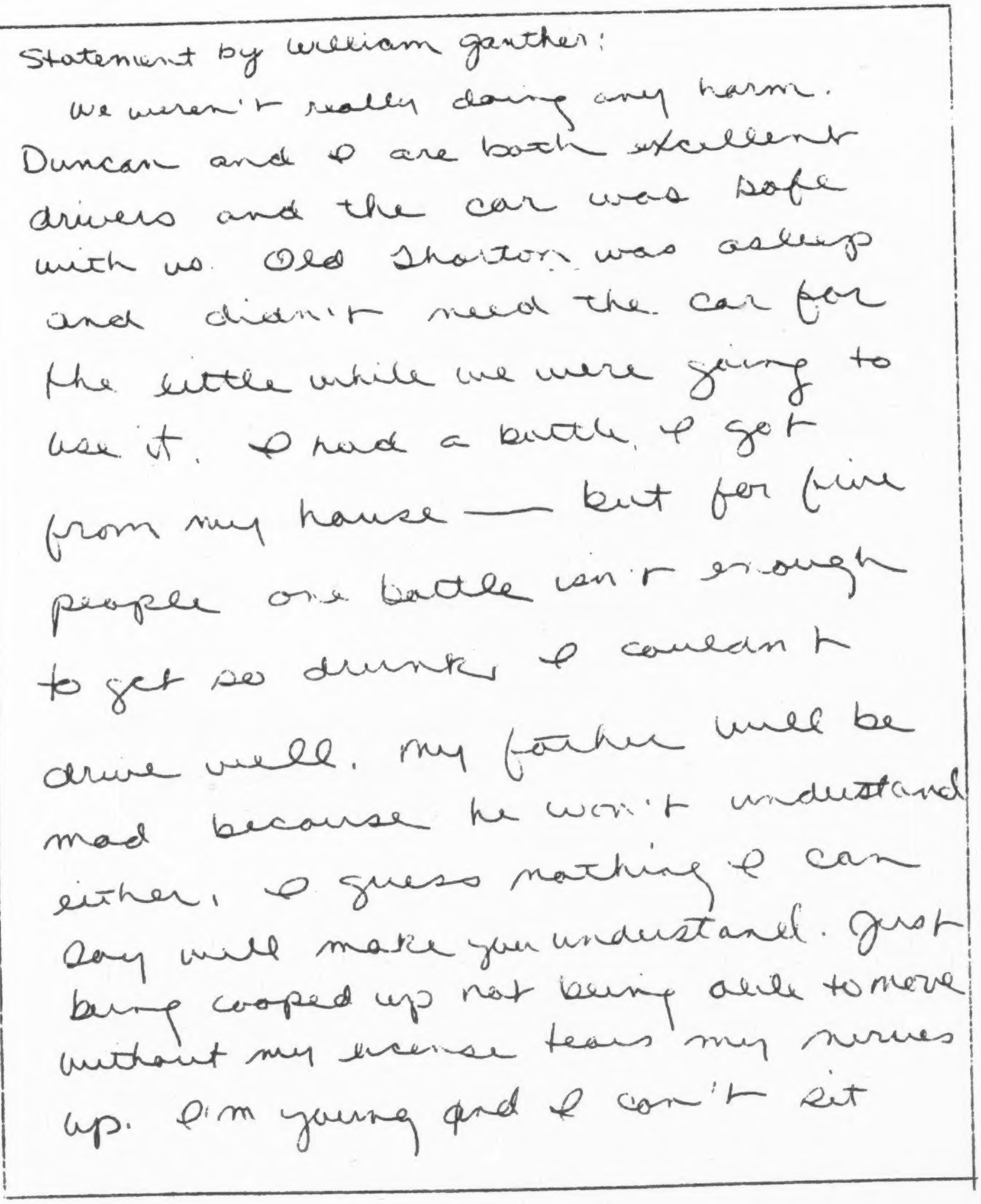
This is the statement of Duncan
David Karp made at Osborne P.D.
on 20 Sept 1963 at 9:30pm.
I live near Thornton and know
he goes to bed early cause hes
sick. Chip came by to see if I
wanted to walk over to the Drive-
In Center and shoot some pool.
I said it sure is lousy you don't have
a car. We had a beer from the old mans
refrigerator. I decided we might as
well use Thornton's car. I guess I
should have knowed it wouldn't
work specially since I'm on
probation already. All the



other kids almost have cars. My folks
wont let me get one. Having a kid is
just too expensive for them.
Anytime I want to be like other kids
they act like I'm some kind of freak
or somethin. Everthin belongs to
someone else. If you try to use
anathing in this world your a
rotter theif. It's a wonder people
even let kids stay alive.

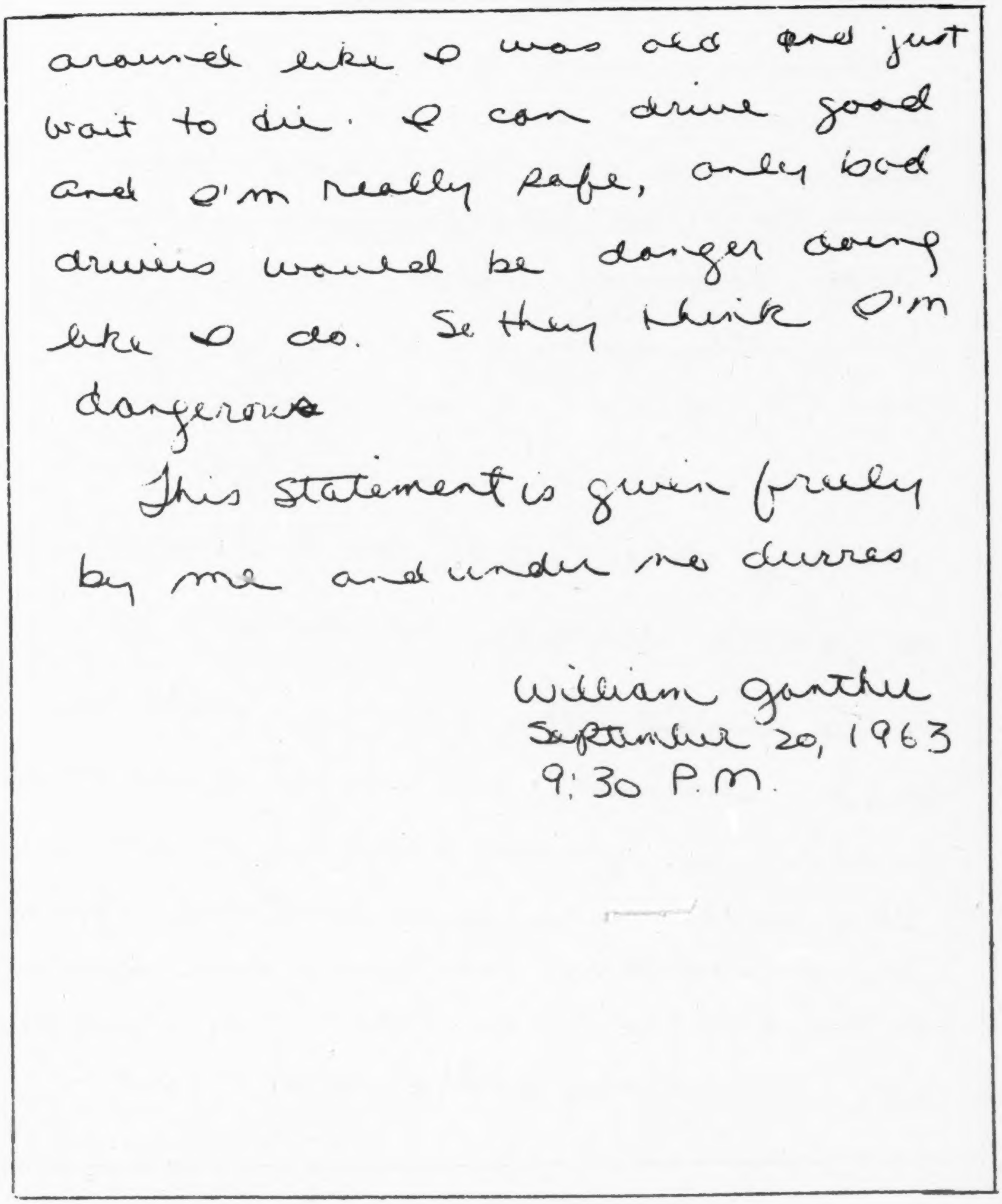
This is a true statement given
by me free + voluntary with out
promise of reward or use of forse
or fear.

X Duncan D Karp



Statement by William Gaither:

We weren't really doing any harm. Duncan and I are both excellent drivers and the car was safe with us. Old Shorton was asleep and didn't need the car for the little while we were going to use it. I had a bottle I got from my house — but for five people one bottle isn't enough to get so drunk I couldn't drive well. My father will be mad because he won't understand either. I guess nothing I can say will make you understand. Just being cooped up not being able to move without my license tears my nerves up. I'm young and I can't sit



around like I was old and just
wait to die. I can drive good
and I'm really safe, only bad
drivers would be danger doing
like I do. So they think I'm
dangerous

This statement is given freely
by me and under no duress

William Ganther
September 20, 1963
9:30 P.M.

"Were they all cooperative?"

"This Karp's kind of wise. I think he's the leader. It was his idea to steal the car, I think. Ganther had the bourbon, and he's an arrogant squirt."

"I think we better deliver Karp to Juvenile Hall, probably Ganther too, but see what his parents have to say first. Why don't you cite the other three kids, John Carter, Hilary Peterson and Bonnie Ward."

"Make sure you fill out the Processing Reports and send them to Juvenile Hall. You could take them all at once. There are some other kids waiting to go over there."

"I can't get any answer at the Peterson house so I'll have to take her to Juvenile Hall. She says her mother probably has a man there and won't answer the phone."

"Yeah? Maybe she'll be better off over there, then."

"O.K."

* * * * *

DISCUSSION

On the face of it, this case is relatively simple. As it progresses, we shall see that it gets more complicated.

Joyriding and drinking by juveniles are common and potentially dangerous offenses, especially in the age group of 15 to 16. Drunk driving is serious enough even when the car has not been stolen; when the two offenses are committed together, there can be extreme danger. Since the youths were under 18, there is no doubt the officers acted properly under the rules governing arrests of juveniles.

Legally, probable cause in the arrest of juveniles under 18 differs in two important respects from probable cause in adult cases. First, no warrant is required to arrest for misdemeanors not witnessed by the apprehending officer. Second, the probable cause does not have to relate to any criminal law; it may be based on the belief that the juvenile is beyond parental control or in danger of leading an idle and dissolute life, as defined in Section 600 and 601 of the Welfare and Institutions Code.

It is best not to formulate rigid rules to guide the officer, but he should be suspicious if he sees an older boy in a group of younger children, youngsters on the street during school hours or after curfew, youngsters loitering, riding in expensive cars, or driving badly or dangerously. Needless to say, children who are seen with adult criminals or homosexuals, boys with expensive or strange objects, girls in the company of girls much older than themselves and hitchhikers should also be regarded with suspicion.

The problem in this case is one of disposition. Is the possession of alcohol sufficient to warrant delivering the offenders to Juvenile Hall? Only the Karp boy had been in any trouble; Ganther apparently was arrogant, which probably made the officer angry. Karp was taken to Juvenile Hall because it was believed that he stole the car and Ganther was taken there partly because of his parents' attitude and partly because of his own behavior.

The officer used Juvenile Hall to shock the teenagers, but this is not a legitimate use of the Hall and it cannot be endorsed. Not only does the law specifically forbid it, but in many cases it has a bad effect on the detained youth. (However, in some cases where this technique has been used, the youth has been frightened badly enough to discourage him from getting involved with the law again.)

However, an offense of this nature cannot be ignored and a citation was in order. The youngsters only wanted to "act big", but they went too far and had to be taught a lesson. It is the prerogative of the courts to "teach lessons."

Whether Hilary Peterson should have been released was a difficult question, but her home life seemed harmful and she was taken to Juvenile Hall for her own benefit. Situations of this kind should be followed up. There may be serious family trouble, or at least a family situation in which the girl needs help.

To what extent should the police engage in community or social work? This is a question to which there is no definite answer. Whenever the police have provided services for the community over and above those normally expected of them, it has been for a good reason -- usually to prevent crime. Police athletic clubs and baseball junior leagues are formed because they help to reduce delinquency, not because a philanthropic impulse arises in the hearts of police chiefs. In many cities these functions have now been taken over by recreation departments, but wherever a gap has occurred in society's defense against crime, wherever a need has developed in the community, the police have usually seen it first and often have taken measures to fill it. It should be a matter of pride that the police have been forerunners in many of the welfare fields.

There are a number of social welfare agencies which can help the citizen in trouble. If he is not helped, the chances of his turning to crime increase. Many parents know that they need help with their children, but they do not know where to turn. A major part of any delinquency prevention program must therefore be a referral service which advises parents of services available to them. The police department, and in particular the juvenile bureau, is increasingly filling that need. It is good law enforcement; it is good public relations; it is good prevention. Every officer in the bureau should know the public and private welfare agencies in his city; he should be familiar with the services they offer and he should be ready and able to direct to the proper place the people who ask his help. In the Boston Police Department Juvenile Bureau, it is part of the day's routine for every officer to spend 15 minutes with a member of one of the welfare agencies. In this way a close liaison has been developed with all the city agencies and the Juvenile Bureau is able to provide a first-rate referral service. This is prevention at its best.

In the present case, except for Karp, these youngsters had their first contact with justice. This is an everyday affair for the officer, but he must remember that the juvenile is scared, whether or not he shows it. The officer's attitude at such a time may have far-reaching effects.

The process of rehabilitation should begin at the moment the offender comes into contact with the policeman. This was clearly demonstrated by a study by Wattenburg in Detroit, who found that when the officer was considered by his superiors to be a "good" officer the recidivism rate of his first contacts was low.

The important role played by Youth Bureau officers in the life of a delinquent, "The Wattenburg Study," is presented and summarized on pp. 132-136.

Perhaps this is not a surprising discovery. The youngster who gets into trouble generally wants to get out of it,too. If the first contact he has with the law is friendly and understanding, he will probably be more amenable to the treatment he receives. Conversely, the treatment a youngster receives depends largely upon the attitudes he holds toward the police at the time of contact. From past experiences with the police he may feel he has had "a raw deal" or he may live in an area where the police are stereotyped as the "bad guys." These attitudes on the part of a youngster, which are usually expressed by negative behavior such as stubbornness, profanity, crude gestures or ridicule may cause the officer to lose his patience and his temper. But if the first contact with the law is to be rehabilitative instead of debilitative, the officer must not allow himself to become preoccupied with or offended by the expression of such attitudes. If the officer is really in charge of the situation and of himself, the child's attitudes will cool gradually, and the job at hand will be easier as a result. This, then, is probably the most important part in rehabilitation an officer can play - to remember that he is the first step in a continuous process which has as its goal the making of a delinquent into a good citizen.

Many police departments go a little further and run small-scale rehabilitation programs, for example, traffic school which youngsters who violate minor traffic regulations are "invited" to attend to learn traffic laws and their purpose.

Sometimes the police officer thinks that the youngster has been taught a sufficient lesson by being caught, and that there need be no follow-up. This is often the case with younger children.

Most obvious of all rehabilitative measures is the questionable practice known as police probation. This system has many ramifications and effects far beyond the scope of this book. Its existence is a policy matter and largely out of the hands of the officer.

From William W. Wattenberg and Noel Bufe, "The Effectiveness of Police Youth Bureau Officers," Reprinted by special permission of the Journal of Criminal Law, Criminology and Police Science, Copyright ⓒ 1963 by the Northwestern University School of Law, Vol. 54, No. 4 (December 1963), pp. 471-475.

INTRODUCTION

Wattenberg and Bufe underline the important role played by Youth Bureau officers in the life of the delinquent. Their inquiry was not based on the assumption that experience with the police can have only a negative effect. Using juvenile recidivism as an index, they examined the differences between a good juvenile officer and a poor one. The study was made at the request of the Detroit Police Department, who wanted a more scientific basis for the selection of officers to be assigned to the Youth Bureau.

"WATTENBERG STUDY"

"If we can consider it a sign of effectiveness for an officer to have a high proportion of non-repeaters among boys for whom he was the initial police contact, then we have a measure of the relative effectiveness of each officer. The size of any difference in this index would provide a clue to the over-all importance of the police work. If differences were large, this would indicate roughly what reduction in the delinquency represented by repeating could be attained if the least effective officers could be upgraded so they achieved the records of the most effective officers.

". . . the differences [were] quite large in some cases. For some of the 'worst' precincts the best officer had been twice as effective as the one with the lowest non-repeater rate. The fact that the non-repeating rate in the 'worst' precincts was so low for all officers attests to the power of social causation; the size of the repeating rate in the 'best' precinct probably reveals the importance of individual psychological factors. In any case, the size of the difference indicates that had all Youth Bureau officers in every precinct been as effective as the most effective in that precinct there would have been a sufficient reduction in total delinquency in the city to have been worth the effort expended in either a selection program, a training program, or both, if such a program or programs could have so improved officers' effectiveness. This portion of the study, if it can be taken at face value, indicates that development of a good police youth set-up will pay off in delinquency reduction in a manner which compares quite favorably to effects thus far objectively measured for any of the presumably more profound efforts. This is not to say that a good police organization can be an adequate substitute for programs geared to deal with fundamental causes, but it cannot be ignored as a major ingredient in a community program.

. . . .

"The next step in the procedure was to interview all the supervising officers of the Youth Bureau in an effort to determine from their viewpoint what qualities appeared to be responsible for the relative success of the more effective officers. . . .

"In summary, the effective Youth Bureau officer can be described as follows:

"As might be expected he has a genuine interest in young people, which shows itself in extra effort on their behalf. He is a good police officer, tending to give each task the time it requires to do a thorough job; he works well with his fellow-officers. In his dealings with juveniles he is calm, manly, firm and patient. He talks well to them, wording his remarks to their level. He keeps his promises to young people, and exerts 'salesmanship' in support of a law-abiding course of action. He presents a good appearance and keeps his records well. Outside activities, surprisingly, did not loom as important. In fact, so strong an allegiance to an outside organization as to unduly influence dispositions appeared on the negative side. Leadership ability did not appear to be critically essential. However, competence in speaking and writing were highly important. So was willingness to work hard with parents. As to disposition, the key attribute was a tendency to judge cases on their merits as contrasted with a policy of either quickly filing charges with the juvenile court or being reluctant to do so.

"Of these attributes, the ones which might appear at the time of selection would be attitude towards young people, general effectiveness as a police officer, appearance, record-keeping, and ability to speak and write.

. . . .

"The most significant result of the study was to produce evidence which would appear to indicate that the relatively brief contact between a boy or his family and a police officer may be highly influential on a future 'career' in delinquency. Although such contact may tend to be regarded as relatively 'superficial,' by theorists impressed with the profound nature of the demonstrated causes of juvenile delinquency, its influence would seem to justify considerable attention being given to it as one element in any community effort designed to bring about substantial reduction in delinquency."

SUMMARY

One important point made by Wattenberg is that experienced sergeants, lieutenants and inspectors in the Youth Bureau had a very good idea who the more effective officers were. Surprisingly, their judgment was confirmed by the objective data; the more effective officers had fewer repeaters. Wattenberg suggested a number of reasons for this conclusive finding.

The good juvenile officer likes young people and is willing to exert extra effort in their behalf, including working with their parents. He can retain a certain amount of social distance yet make himself understood by younger people -- he can speak their language yet command their respect. The effective juvenile officer keeps the kind of information on youngsters that enables him to follow them up. He resists simple categorizing of youths and makes each disposition decision carefully. Probably the single most important characteristic is the actual amount of time spent over and above that required by the job.

Second Setting

The Probation Office, the next day.

Characters

Herb Brownlow	Supervising P.O.
Peter Green	Probation Officer
Tom Bressler	Probation Officer
William Ganther	Juvenile Offender
Duncan Karp	Juvenile Offender
John Carter	Juvenile Offender
Bonnie Ward	Juvenile Offender
Hilary Peterson	Juvenile Offender

"Mr. Brownlow, I've -- oh, excuse me. Tom, I didn't know you were here."

"That's all right, Pete. Herb's just unlatched the fetters of my soul. I'm flying away right now."

"I don't want to interrupt."

"No, that's all right, Green. Come in. What do you have there?"

"It's a joyriding case. Three boys stole a car, and had two girls with them."

"Any complications?"

"No, none that I can see anyway. This Duncan Karp is on six months' informal for the same thing, so I'm recommending wardship. Here's the case, and a statement the police had him make."

CONCERNING: DUNCAN DAVID KARP, born Osborne City, California,
on August 4, 1948 (age 15 years, 1 month), 635
Pine Street, Osborne City, California
Father: Raymond B. Karp, 635 Pine Street
Mother: Gladys Karp, same as above

Duncan comes to Court from Juvenile Hall where he has been detained since Friday, September 20, 1963.

REASON FOR HEARING:

Petition alleges theft of automobile owned by D. T. Thornton, 621 Pine Street, on September 20, 1963, in violation of Cal. P. C. Sec 499 b.

William Ganther (WMJ 16 years)
John Phillip Carter (WMJ 15 years)
Bonnie Ward (WFJ 14 years)
Hilary Joyce Peterson (WFJ 16 years)

FACTS CONCERNING ALLEGATION:

Patrolman O'Rourke was patrolling along Mark Twain Avenue in the vicinity of Chestnut on Friday, September 20, 1963, when a car full of juveniles went by heading in the direction of the "Hill" residential area. As the car passed, Patrolman O'Rourke noticed one of the boys waving a bottle. At approximately 9:15 p.m., he stopped the car and in questioning the occupants he found that the car was stolen. There were three boys in the car, one of whom was driving, and two girls. None of the occupants had a valid operator's license.

After searching the stolen car, Patrolman O'Rourke took the five juveniles to the Juvenile Bureau. The stolen car was left at the pickup spot.

STATEMENT OF WITNESS:

Patrolman O'Rourke will testify that on September 20, 1963, in the patrolling of his assigned area, a car of juveniles went by. Observing one of the occupants waving a bottle (which upon inspection turned out to be an unopened bottle of bourbon), he halted the car and questioned the driver. In the course of questioning he learned that the car had been stolen from D. T. Thornton, of 621 Pine Street. Mr. Thornton was reported sleeping at the time of the theft (approximately 9:00 p.m.). Further search of the car yielded nothing. Patrolman questioned the occupants further, three boys and two girls, then took the juveniles into custody at the Juvenile Bureau in the Police Department.

At the Police Station, Sergeant Keats of the Juvenile Bureau interviewed the juveniles briefly and then had them make written statements. They were all cooperative in this effort.

MINOR'S STATEMENT:

Duncan Karp stated that William Ganther came to his house at approximately 8:00 p.m. to suggest that they walk over to the Drive Inn Center and "shoot some pool." The boys began complaining about not having "wheels" and having to walk everywhere. William Ganther has a license but lost his driving privilege for six months for too many moving-traffic violations. Duncan then stated that both he and "Chip" got a beer out of the refrigerator and it was about that time he got the idea of taking Thornton's car. "I live near Thornton and know he goes to bed early 'cause he's sick." Duncan says that he wants a car badly because all the other kids have cars, but his folks will not let him get one. "Having a kid is just too expensive for them."

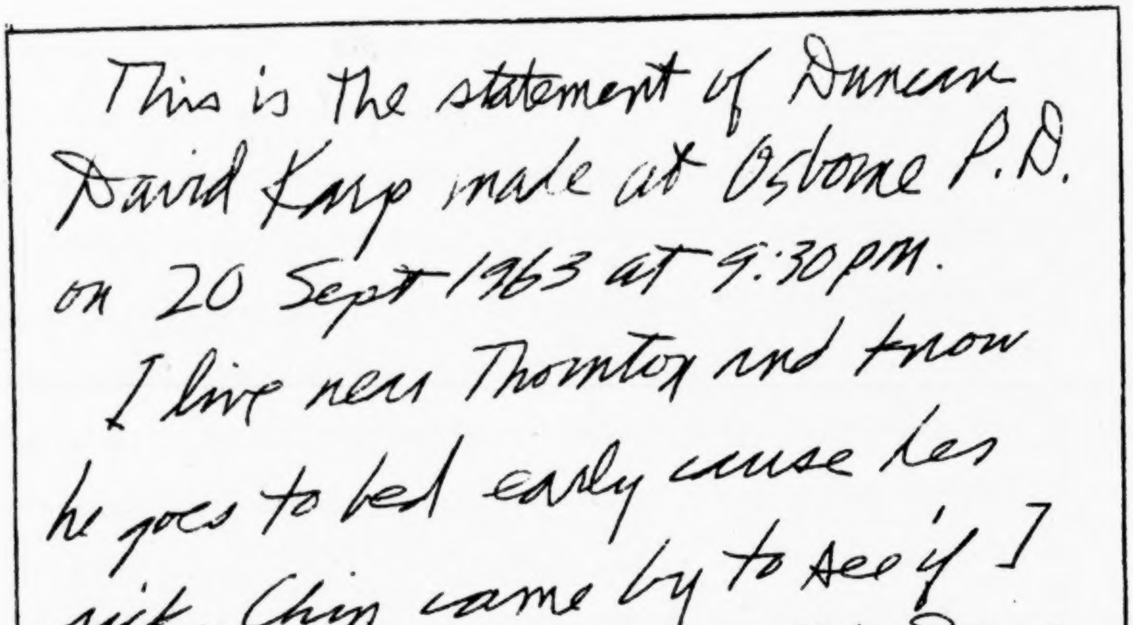
Duncan says he wired Mr. Thornton's car and he and Ganther got in; he was in the driver's seat. Ganther suggested a party was in order to drink the bottle of bourbon he had taken from his father's stock. Duncan suggested going over to Hilary's house and then going up to the "hills" for a party. They got to Hilary's house about 9:00 p.m. and found that Bonnie Ward also was there. "She sort of hangs around Hilary and is a real drag. Hilary only let's her stick around 'cause she feels sorry for her." He states that the Ward girl was somewhat reluctant but was persuaded by the Peterson girl to go.

They left Hilary Peterson's house at approximately 9:10 p.m., and as they turned into Mark Twain Avenue with Duncan driving, Ganther saw John Carter walking. Duncan states that Ganther told him to pull over to see if Carter would like to go along. Duncan admits that he was reluctant. "Five's a crowd, you see; anyway that punk gets on my nerves, always hanging around." He gave in to Ganther and pulled the car over to the curb. Carter got in the back seat, and they started off again, "heading for the hills to have a party." At approximately 9:15 p.m., just as Duncan was "getting the cobwebs out of that old engine," they were spotted by the patrolman who stopped them.

Duncan is currently on probation for an earlier auto theft. He resents his difficulties and blames the police for creating trouble for him.

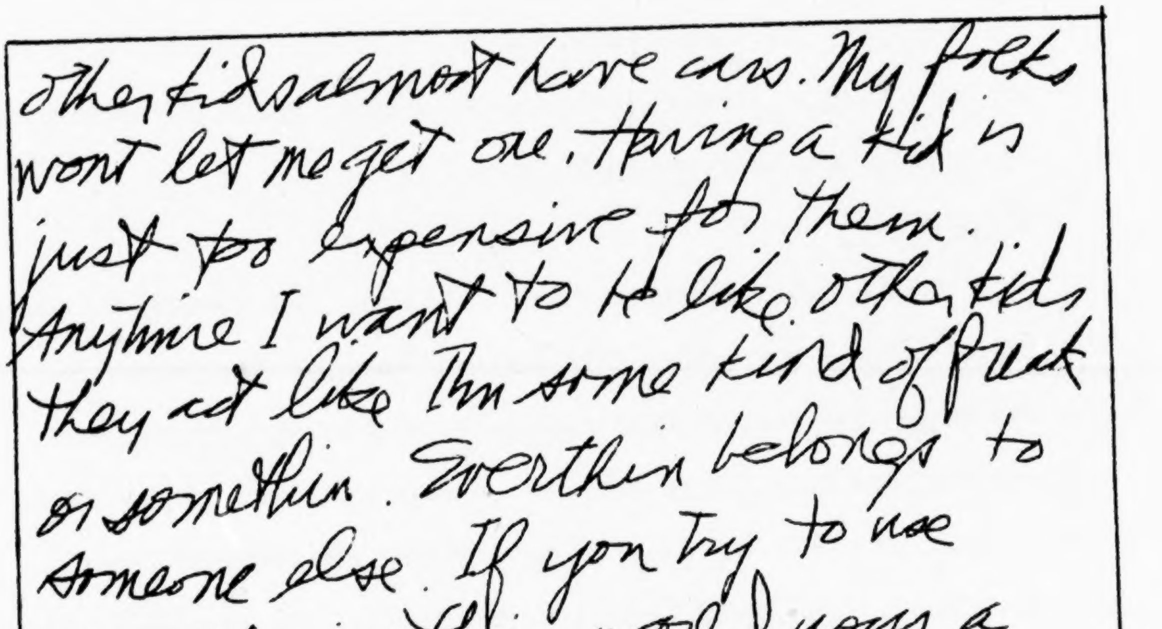
RECOMMENDATION REGARDING FINDING OF FACT:

It is respectfully recommended that the facts of the allegation be found true as alleged.



This is the statement of Duncan David Karp made at Osborne P.D. on 20 Sept 1963 at 9:30 pm.

I live near Thornton and know he goes to bed early cause hes sick. Chip came by to see if I wanted to walk over to the Dun-In Center and shoot some pool. I said it sure is lousy you don't have a car. We had a beer from the old mans refrigerator. I decided we might as well use Thorntons car. I guess I should have knowed it wouldn't work specially since I'm on probation already. All the



other kids almost have cars. My folks
wont let me get one. Having a kid is
just too expensive for them.
Anytime I want to be like other kids
they act like I'm some kind of freak
or somethin. Everthin belongs to
someone else. If you try to use
anathing in this world your a
rotten theif. It's a wonder people
even let kids stay alive.

This is a true statement givin
by me free + voluntary with out
promise of reward or use of forse
or fear.

X Duncan D Karp

PREVIOUS HISTORY:

On April 12, 1963, Duncan was cited by the Blomville police for auto theft. He was placed on six months' probation without wardship by the Court on April 26, 1963.

THE FAMILY:

Duncan is the oldest of three children. His younger brother, Ted, is nine years old and his sister, Joan, is five years old. The family lives in a lower middle-class area, even though they could afford much better housing. Duncan's father, Raymond Karp, is vice-president in charge of advertising for Hopkins' Department Store, one of the largest in the county. He grosses approximately $700 a month. Duncan's mother, Gladys, takes in sewing from the the neighbors and averages about $30 per month. She keeps this money in a special hiding place whose location only she knows. She is saving her money. "Some day I'll have a maid and a cook just like William's mother does." Duncan's mother seems to be very conscious of the distance between her house and the expensive homes on the hill. She states that, "All my life I never had a penny until I met Ray. I'm never going to be poor again."

The family is fairly close-knit, and both the parents are at a loss to explain Duncan's constant difficulties with the police. The mother states that they give him everything within reason but that they cannot give him the car he wants. "We just cannot afford a car. He should be more considerate and realize the predicament we're in. He thinks that we're rich or something."

In observing the family, it appears that Mrs. Karp is the dominant parent. She answered most of the questions and seems to dominate her husband completely. Her excessive interest in money has an effect on her husband, who is on a restricted diet because of a serious stomach condition. "Gladys is a good woman," he states, "but she pushes awfully hard sometimes. I do my best and that's all I can do."

The family spends most of its free time together in the back yard, preferring not to "waste" money by going anywhere. Both parents seem to resent the difficulty being caused them. "The neighbors will think we're trash with all the policemen coming here and asking questions."

THE MINOR:

The boy is difficult to talk to and is somewhat bored with the "whole bit." He is very cocky and abusive, and the interviewer had to struggle with his own emotions in order to continue the interview.

Duncan says that he spends his free time "shooting the bull with the other guys over at the Dream-In." He has never held a job even though his mother "was on my back about it all summer." When he's not at the Dream-In, he spends most of his time watching TV.

The boy's major goal in life is to have his own car. He resents his parents' refusal to buy him one. "Man, my maw's got money stashed all over that dump." He seems to feel that his parents are persecuting him by not giving him what he wants. When questioned about not being old enough to have a driver's license, he looked at me, looked away and said, "Christ, you too. Listen, man, I'll be 16 next summer. You know what else? There are plenty of guys in this town drive without licenses."

Duncan says that his brother and sister are "O.K., I guess." This boy does not seem to be emotional about anything except the car he wants so badly.

SCHOOL REPORT:

Rivault High School, 10th grade	
Scholarship:	C average
Attendance:	Sporadic--not good
I.Q.	105
Behavior:	Poor, talks back to teachers in classroom.

The school report shows that Duncan is a poor student, lacking the proper motivation. He never does his homework and consistently interrupts the class with his jokes and laughter. He has always been a problem.

PSYCHOLOGICAL REPORT:

Duncan is suffering from a deep inferiority complex. Outwardly he is bold, abusive, extremely self-confident and resentful, but this is only a defense. Underneath this facade is a small frightened child who fears he has nothing of value to offer the world and who believes he has failed in everything he has attempted.

Duncan has accepted his mother's value-scale grudgingly, seeming to realize the artificiality of her life, but he has much hostility towards her. He laughs openly at the way she dominates his father but underneath his contempt one can perceive disgust. Extensive confusion has resulted from the mixed-up roles of his parents.

The boy desperately needs treatment in order to better understand his parents and their individual problems and needs, and also to lessen the hostility brewing within him.

OTHER AGENCY CONTACT:

The family is not on record with any other community agency.

EVALUATION:

The boy is a troublemaker. It was his idea to steal the car, and he is on probation now for a similar offense. In talking to him, it's hard to get beneath his protective veneer, but it is clear that he needs therapy. He seems to be suffering from the lack of a proper male image to identify with. He is disgusted with the way his mother pushes his father around. He is confused as to his role in the world and will probably continue to commit delinquencies until he is afforded some insight into his difficulties through the means of therapy.

RECOMMENDATION:

It is respectfully recommended that Duncan David Karp be declared a Ward of the Court and be placed under the care and supervision of the probation officer.

"Yeah, I think we ought to do something about him, but the Judge may think your recommendation is lenient."

"Really? Well, it seemed all that was called for."

"O.K. If you think you're right, we'll let it stand."

"This next boy is from up in the hill district. It's funny to see him with these other kids."

"Yes, but it's not odd from his point of view. Right now it's more important to him that he's a teenager than that he's rich."

"It's not to his folks. They thought they could pull strings and get the case handled informally, but the case is too serious for a reprimand, I think. I'm asking for six months' informal.

"The facts are the same as the Karp case?"

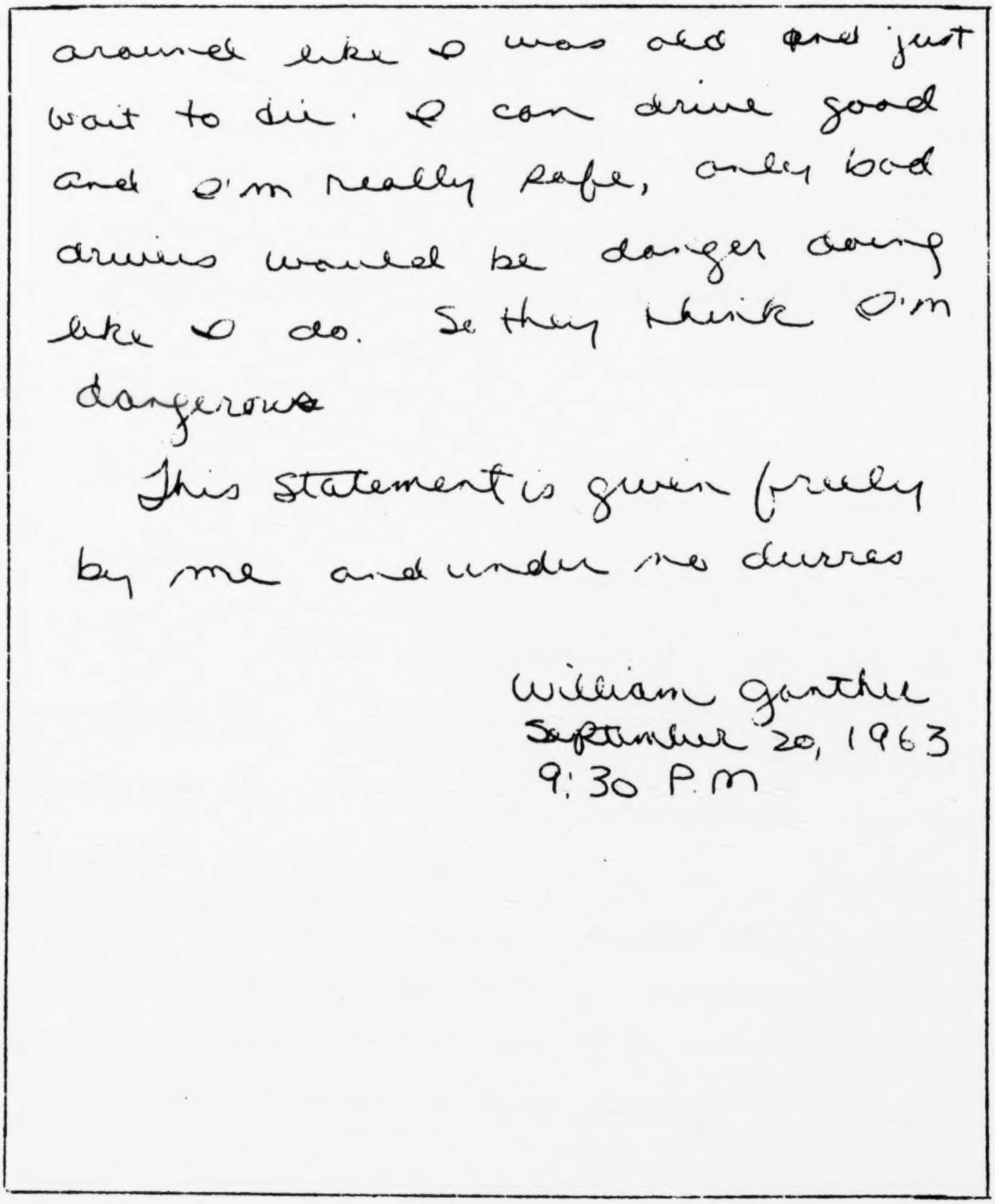
"Yes. And there's a statement by him too."

"Let me have the history, then."

"Here's the statement first."

Statement by William Gaither:

We weren't really doing any harm. Duncan and I are both excellent drivers and the car was safe with us. Old Shorton was asleep and didn't need the car for the little while we were going to use it. I had a bottle I got from my house — but for five people one bottle isn't enough to get so drunk I couldn't drive well. My father will be mad because he won't understand either. I guess nothing I can say will make you understand. Just being cooped up not being able to move without my license tears my nerves up. I'm young and I can't sit



around like I was old and just
wait to die. I can drive good
and I'm really safe, only bad
drivers would be danger doing
like I do. So they think I'm
dangerous

This statement is given freely
by me and under no durres

William Ganther
September 20, 1963
9:30 P.M

CONCERNING: WILLIAM GANTHER, born May 2, 1947, in Auburn,
California, (age 16 years, 4 months) 348 Astoria
Drive, Osborne City, California
Father: Richard D. Ganther, 348 Astoria Drive
Mother: Nancy S. Ganther, same as above

FAMILY:

William's parents live on Astoria Drive. His father, Richard D. Ganther, owns two of the warehouses along the docks,--and also dabbles profitably in the stock market. William's mother, Mrs. Nancy S. Ganther, is one of the social pillars of the community and the head of four of the five charity committees in Osborne City. The family income is approximately $2,000 gross per month.

William has one brother, Richard, who is older (21 years). He is now in the Navy for a period of three years and is stationed at Guam. William has always idolized his big brother, who was the star of the Rivault High School football and track teams, and is anxiously awaiting his brother's discharge from the Navy, "Dick promised me he'd help me build a rod which would be mine to drive any time and anywhere I wanted to."

On the surface the family is close-knit. William and his parents spend summers together at the family cabin at Lake Tahoe. Both the parents are interested in William's future and have already begun corresponding with Stanford University, of which both are graduates, regarding William's admission to the "old alma mater." But there was some resentment noticeable when the parents had to take time off from their activities to talk to the Probation Officer. They think that there is nothing wrong with their boy and that he is only sowing a few wild oats, "just like his old man in his day." The parents do not comprehend the seriousness of the offense or the fact that William could spend some time in one of the State institutions if the Judge, whom "Mr. Ganther knows personally," so decides. They were both outraged at this suggestion, at the "scandal" it would cause, and the possible blemish on their "standing in the community."

THE MINOR:

William is an intelligent, nice looking, arrogant boy whose major source of trouble is time. He is the type of kid who must be doing something all the time; he is plagued with the fear of wasting his life. His references to life, old age, "waiting to die," and other symbols of death may reveal a source of mental trouble. "I'm young, I can't sit around like I was old and just wait to die." If he does not engage in constant activity, the fear of death seems to arise in his thinking.

His major activity prior to the loss of his driving privileges was cruising around town in his mother's car picking up any youngster who had time to waste with him. This was a source of social activity for the boy. Now he feels cooped up, with no outlet for his restlessness.

He spends just enough time on his school work to keep his father "off my back." Even so, he has a good school record. He doesn't like to work around the house, and his mother says "why should he when the maid and the gardener do all the work?"

His parents seem indifferent to the whole situation. They do not seem to want to take time off from their own activities to "fuss" with the boy. He is considered, "just an average boy with adolescent problems like all the rest." His one source of true and friendship within his family has been his brother, whom the boy idolizes completely. "Dick is the greatest guy in the world." It seems that the parents have provided him solely with material goods and not with emotional support.

JUVENILE HALL OBSERVATION:

The boy spent his time at the Hall in various activities or in talking with the other boys. He was well liked by everyone and seemed to be an extrovert. The staff had no complaints about the boy, except to say that he ran them ragged in their efforts to keep him busy. He was always looking for something to do or someone to talk with. Otherwise he was no problem.

SCHOOL REPORT:

Rivault High School, eleventh grade

Scholarship: B average

Attendance: Excellent

I.Q.: 120

Behavior: Somewhat talkative in class, otherwise cooperative. The school report shows that William does very well in all of his educational endeavors. He is a bright boy although he does not seem to spend much time on his studies. He is popular in the classroom but sometimes wastes class time with vague and distracting questions. Good college material.

PSYCHOLOGICAL REPORT:

This boy is deeply immersed in his neurotic traits which manifest themselves in an intense fear of death. This has not interfered with his life and social responsibilities except to force him to keep active in order to control his fear of death. Otherwise he is mentally efficient and should be receptive to any rehabilitative efforts applied in his direction. He has established a father-image in his brother who is his closest friend. There is a perceptible gap between the boy and his father, and also to some extent the mother.

OTHER AGENCY CONTACT:

The family has had contact with a private psychiatric clinic.

EVALUATION:

William is a boy who suffers from the common ailment of adolescence; lack of understanding from his parents. He requires some therapy in order to cope with the fear of death which appears to plague him constantly. He seems to have been involved in the present situation because of his need for activity and the lack of his usual pleasure--driving his mother's car. His major trouble is that he has not been given enough responsibility within the family to keep him busy and to give him a source of accomplishment.

RECOMMENDATION:

It is respectfully recommended that William Ganther be placed on six months' probation without being declared a Ward of the Court.

"Why don't you make a psychiatric examination a condition?"

"Do you think it's a good idea to focus his family's attention on him that way?"

"Well, an examination would help the boy. And for that matter, so would his family's attention. Oh, by the way, I know it's annoying as hell when the parents talk about 'knowing the Judge personally', but resist the impulse to include anything about the judge in the report."

"All right, Mr. Brownlow. Now, this next case is one of the girls, Bonnie Ward. I borrowed the report from Margaret Helford because the girl is involved to the same extent as one of the boys. They both went along for the ride, didn't want to chicken out."

CONCERNING: BONNIE NADINE WARD, born May 9, 1949, Osborne City, California (age 14 years, 4 months), 637 Sycamore, Osborne City, California

Father: James William Ward, 637 Sycamore

Mother: Helen Ward, same as above

MINOR'S STATEMENT:

Bonnie states that on Friday night about 9:00 p.m., William Ganther and Duncan Karp drove up to Hilary Peterson's home. The two girls were playing some new records that Bonnie had just gotten. The two boys asked if she and Hilary would like to go for a ride up to the hills for a party. "When Duncan bragged that the car was stolen and that the party was going to be in the hills and not at his house with his parents there, I was scared." She stated that Hilary "pooh-poohed" her into going along. After the four got into the stolen car, William showed them the bottle while Duncan started the car and drove toward Mark Twain Avenue. They had just gotten started when William saw John Carter walking by himself and told Duncan to stop the car to see if John would like to go along. "I was glad because I thought John might help me talk them into leaving me off. He's nice."

She further stated that they were stopped by the policeman just after John had agreed to join them and Duncan had again started the car. "I'm glad we were stopped."

Bonnie realizes the trouble she's in and seems willing to cooperate as much as she can. She apparently thought it romantic to be asked to a party and did not realize just what a "party" meant to this group.

FAMILY:

Bonnie is an only child, dearly loved by her parents. Mr. Ward is a tugboat captain--noted to be one of the best--while Mrs. Ward is a teacher at Dickens Elementary School (2nd grade). Together their income is more than adequate for the family needs--they've been able to save enough for a new car next year.

The parents were interested and concerned about Bonnie's welfare and were bothered by the types of friends that Bonnie has apparently been running with. They have tried to teach Bonnie to be a good girl so that, as Mr. Ward puts it, "she'll make some lucky man a fine wife." They have agreed to cooperate with the Court.

There has been some tension in the family about whether Mr. Ward should retire next year or not. Both Mrs. Ward and Bonnie would like him to retire because he has a weak heart, caused by rheumatic fever as a child,--and should not exert himself as much as he does on the boat.

Otherwise the family is intact with no serious defects to affect Bonnie's future.

THE MINOR:

Bonnie is a very pretty girl who is somewhat naive concerning the "party" she had been invited to. She admires Hilary Peterson because of Hilary's independence and her way with boys, and does not want Hilary to think that she is a "party pooper."

She speaks in a gentle voice and is somewhat shy when she speaks to older persons. She is very nervous about the situation she is in (joyriding) and at times during the interview appeared to be on the verge of tears. The girl is apparently very sensitive and can be easily hurt by the remarks of others.

Bonnie is a "wonder" to have about the house, according to her mother. She has been taught to type, and to sew, cook, clean house, and do all the various other odd jobs that a housewife must do. Her mother says, with a giggle, that she does not want "my son-in-law to go hungry or in rags." The girl is the apple of her father's eye and receives much affection from both parents.

Her school work is good but she has to spend a lot of time on her studies in order to keep her good marks. Bonnie's main recreation is listening to rock-and-roll records. She has "the best collection of records on the block." She was at Hilary's house playing some of her new records, which her dad buys for her, when the two boys drove up in the stolen car.

Concerning the situation, she stated that she was afraid of going to the party in the hills because her mother had told her about what "bad boys" do to "bad girls" in the hills. She got in the car only because she did not want Hilary to think her a party-pooper. Hilary is her best friend and she admires Hilary and seems to see in Hilary some of the qualities of her favorite movie stars. She was very relieved when the stolen car was stopped by the police.

SCHOOL REPORT:

Rivault High School (ninth grade)

Scholarship: B average

Attendance: Excellent

I.Q. 100

Behavior: Excellent

The school report praises Bonnie as a very industrious student who is one of the nicest girls in the school. She is apparently working very close to her mental capacity. Bonnie is accepted by the other students and is well liked by the teaching staff.

EVALUATION:

The girl is upset about the present incident and cried at times during the session. When asked why she was crying, she stated that she was afraid that people will think she is a "bad girl." Her parents are very proud of Bonnie's reputation as a "good girl" and she is worried about the effects of this situation on the thoughts of others.

Her parents are also very worried about the girl. Her main problem is her docility and her hero-worship attachment to the Peterson girl. Bonnie is a good girl, but she seems to be almost too sweet and too nice. Her parents have shielded her from all the problems that normal kids must face sooner or later. Perhaps the guidance of another adult whom she could confide in, etc., would be of benefit.

DISPOSITION:

Reprimanded.

"I was going to take the third boy, John Carter, to court, but since Margaret gave this girl a reprimand, I'm beginning to think that would be enough. What do you think?"

CONCERNING: JOHN PHILLIP CARTER, born February 2, 1948, in
Brooklyn, New York (age 15 years, 7 months),
630 Beech Street, Osborne City, California
Grandfather: Henry D. Lorence, 630 Beech Street
Grandmother: Jenny Ann Lorence, same as above
Parents: Killed in plane crash in 1958

FAMILY:

John's grandparents live in the same house on Beech Street where they've lived ever since Mr. Lorence worked the docks in the "old days." Mr. Lorence is retired and the family lives on his Social Security and Union benefits. The Lorences' are John's maternal grandparents at whose home he was staying when his parents were killed in 1958.

John remembers his parents as wonderful people and the best parents he could have asked for. His favorite memory of them is the Christmas before they were killed. "I'll never be as happy as that again in my whole life. My dad made me a soap-box racer and my mom painted it real pretty like. I was so happy. I still have it at home."

The grandparents love the boy a great deal, finding in him part of their daughter, their only child. John realizes how much he means to his grandparents and loves them in return. "They're wonderful people. They've taken good care of me." His main ambition is to be a lawyer like his father so that his grandparents will be proud of him.

Both grandparents seemed upset about the situation and will do anything they can to help John. They said he was a good, thoughtful boy who's never been in trouble before. They blame it upon his friends. "There's no one around here that he likes to be with except that Bill Ganther and Duncan Karp." They are willing to give their full cooperation.

THE MINOR:

John is a quiet boy who speaks in low tones and in a shy manner. He is very sorry about the trouble he's caused everybody, especially his grandparents. He appears to be a somewhat lonely boy; he mentioned that the kids he was with in the stolen car were his only friends. He seems to be impressed with Ganther and Karp. "Chip plays football on the varsity and Duncan's the greatest guy in school." Apparently this group of teenagers is the only group which will accept John and provide him with the friendship he so greatly needs. His main wish is that he might have a brother to "pal around with."

John spends a great deal of his time working around the house helping his grandparents keep the place in order. He also enjoys reading, especially Boys Life, to which his grandparents subscribe for him, and stories by Robert Louis Stevenson and Mark Twain. He appears to be an intelligent boy who is willing to study hard to get the grades he needs in order to be admitted to law school.

The boy's main need seems to be for acceptance and comradeship. He says that his grandparents are nice but that they are older and he needs a bunch of kids around so that he will feel wanted and "like one of the gang." He feels that Ganther and Karp are just like brothers and he "wouldn't let them down for nothing."

SCHOOL REPORT:

Rivault High School (tenth grade)

Scholarship: B average

Attendance: Excellent

I.Q. 116

Behavior: A good student who is very cooperative with the teachers and the other students.

According to the school report, John is a hard working student who is liked by all of his teachers. Their only complaint is that he doesn't speak up in class enough. He has never caused any trouble and is considered to be a pleasure to teach.

OTHER AGENCY CONTACT:

No other community agency has any record concerning this family.

EVALUATION:

John is nice quiet boy. His kind rarely gets into this type of trouble. He needs the acceptance of the other juveniles and went along in the stolen car so that the others would not think him "chicken." He is a lonely boy with very few friends and he got mixed up with the wrong bunch of kids. His grandparents are willing to do everything in their power to help John. The need for acceptance might possibly stem from the death of the boy's parents when he was 10 years old.

"Yes, I think Margaret was right, in view of the circumstances, and an Official Reprimand would be enough for this boy. What about the other girl? What happened to her?"

"Well, that's a sordid case. Peterson, Joyce Peterson is her name. The police couldn't get an answer at home and she said she didn't want to go home, so they brought her here. I called her house a couple of times Saturday, and each time a different guy would answer and say that Mrs. Peterson was too busy to come to the phone. I'll bet she was, too. Same thing Sunday. When Margaret finally talked to the mother, she was drunk or sounded like she was. She told her, 'You take the little bitch and go to hell.'"

Margaret talked to the girl then and she was upset and crying. She said the men were friends of her mother's and she didn't like them. Margaret thinks some of the men were after her when mom was busy. The girl is obviously in danger of leading an immoral life, so we filed a 601. It's amazing the way Margaret's been able to reach her. She's really a pleasant little girl, and seems to be happy here."

"Did you ask the police to initiate an inquiry?"

"Yes, or rather Margaret did."

"I guess her case will have to wait awhile then. It's hard to make a prostitution charge stick, and the police will need time to get good evidence on the mother. All right, that's about as far as we can go. What do we have on this?"

"Karp, to be declared a Ward of the Court."
Ganther, recommended for six months without Wardship.
Carter and Bonnie Ward reprimanded.
The Peterson girl detained pending a 601."

Third Setting

Juvenile Court, the next day; a detention hearing.

Characters

The Judge	Juvenile Court
Herb Brownlow	Probation Officer
Mr. and Mrs. Richard Ganther	William's Parents
Mr. and Mrs. Raymond Karp	Duncan's Parents
Mandy James	Ralph's Mother
William Ganther	Juvenile Offender
Duncan Karp	Juvenile Offender
Ralph James	Juvenile Offender

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of

Duncan David Karp

Age ....15.... Birthdate ..8/4/48......

Address ..635 Pine, Osborne City, Calif.

No. ..Case IV....

SUPPLEMENTAL PETITION

I, the undersigned petitioner, say on information and belief:

(1) The person named in the above caption is/is~~not~~ a ward of the above entitled Court.

(2) The previous orders of this Court have not been effective in the rehabilitation of the above named person, in that: he last appeared before this Court on April 26, 1963, and was placed on probation for a period of six months without wardship; this order is still in full force and effect;

That he is a person described by Section 602 of the Welfare and Institutions Code in that on or about September 20, 1963, he took an automobile property of D. T. Thornton, 621 Pine Street, Osborne City, California, for the purpose of temporarily using or operating same without the permission of the owner, thereby violating Section 499 (b) of the Penal Code of California;

Parents: Raymond and Gladys Karp, 635 Pine Street, Osborne City, Calif.

Taken into custody at 9:15 PM on September 20, 1963.

The above named person is/is~~xxxxx~~detained. Hearing as to further detention is set for 1:30 PM on September 23, 1963

Therefore, I request that the Juvenile Court have a further hearing on this matter.

Dated...September 23, 1963

..Peter Green........
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
Duncan David Karp

15 years, 1 month
(Age Years)

Proceeding No. Case IV

RECOMMENDATION FOR
ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the supplemental petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

(x) Said minor has violated an order of the Juvenile Court.

( ) Said minor has escaped from a commitment of the Juvenile Court.

( ) It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

( ) It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

( ) Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:

Duncan was brought to Juvenile Hall by an Osborne City patrolman on September 20, 1963, for auto theft. The officer had been patrolling along Mark Twain Avenue when a car full of juveniles passed him. He noticed that a bottle of liquor was being waved around. He stopped the car and during the questioning of the occupants discovered that the car was stolen. Five youths were involved, 3 boys and 2 girls.

Duncan admitted taking the car from in front of a neighbor's home by hot wiring. One of the other boys had taken the bottle of liquor from his father's stock. When apprehended they were "heading for the hills to have a party."

On April 26 of this year, Duncan was placed on 6 months probation without wardship for auto theft. At that time the Court ordered that he obey all laws and that Duncan not operate any motor vehicle until licensed.

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of)
William Ganther)
Age ...16..... Birthdate .5/2/47.....)
Address .348.Astoria.Drive,.Osborne.City)

No. .....Case.IV.........

PETITION
(Section 602)

I, the undersigned petitioner, say on information and belief:

(1) The person whose name, address, and age are shown in the above caption, is under 21 years of age and is/~~was~~ residing within Howard County.

(2) This person comes within the provisions of Section 602 of the Juvenile Court Law of the State of California, in that said person, on or about, September 20, 1963 in the County of Howard, State of California, did then and there take an automobile, property of D.T. Thornton, 621 Pine Street, Osborne City, California, for the purpose of temporarily using or operating same without the permission of the owner, thereby violating Section 499 (b) of the Penal Code of California;

(3) The names and residence addresses of parents and guardians of said person are:

Name	Relationship	Address
Richard & Nancy Ganther	Parents	348 Astoria Drive, Osborne City

(4) The above named minor is/~~is not~~ detained in custody. Said minor was taken into custody September 20, 1963 at 9:15 PM Hearing as to further detention is set for 1:30 PM on September 23, 1963

THEREFORE, I request that this person be declared a ward of the Juvenile Court.

Dated September 23, 1963....

Peter Green
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of
William Ganther
16 years, 4 months
(Age Years)

Proceeding No. Case IV

RECOMMENDATION FOR
ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the __________________ petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

☐ Said minor has violated an order of the Juvenile Court.

☐ Said minor has escaped from a commitment of the Juvenile Court.

☒ It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

☐ It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

☐ Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:

William was brought to Juvenile Hall by an Osborne City patrolman on September 20, 1963, for auto theft. The officer had been patrolling along Mark Twain Avenue when a car with 5 youngsters (3 boys and 2 girls) passed him. He noticed that a bottle of liquor was being waved around. He stopped the car and on questioning the youths discovered that the car was stolen. Further, none of the occupants had a valid driver's license.

William says that he and Duncan were bored and Duncan suggested taking a neighbor's car. He states that they meant no harm and were "just borrowing the car." He had taken the bottle of bourbon from his house but it never was opened.

William's previous history consists of several referrals for traffic violations (driving without license and speeding). His license was suspended for six months in August 1963 as a result of these offenses. It is believed that his driving -- especially under the circumstances of the present referral -- constitutes a menace to the safety of other persons and property.

DETENTION HEARINGS:

DUNCAN KARP
WILLIAM GENTHER

The Judge signalled to Herb Brownlow that he was ready for the next hearing and Herb signalled to Bailiff Hank Williams to open the courtroom door. Three teenage boys, two of them white and one Negro, marched in, single file. A Juvenile Hall counselor brought up the rear. The boys were seated in a row of chairs slightly to the right of the court desk. The counselor sat a few feet from them. Hank Williams then opened the courtroom door again and ushered two white couples and a Negro woman into the courtroom. They were seated in a row of chairs about ten feet behind the boys.

Herb Brownlow picked up one of the three folders on his desk. "Boys, answer when your name is called. Duncan David Karp?"

One of the white boys put up his hand limply. "Here," he said.

"Are Duncan's parents present?" the probation officer asked glancing at the row of adults. One of the white men put up his hand.

"I'm Duncan's father and this is his mother," he said in a firm voice, motioning to the woman seated next to him.

"William Ganther?" the probation officer went on.

"We're here," the other white man said with vehemence. His wife was clutching his arm. William said nothing.

"Ralph James?"

"Here," the Negro boy said in a bored tone.

"And you're Mrs. James, Ralph's mother?" the probation officer asked.

"That's right, Your Honor," she said shyly.

Herb nodded to the Judge, who straightened up in his chair and looked sternly at the boys. "Our purpose today is to determine where you are going to stay until your hearings."

The Judge spoke loudly enough so the adults could hear him clearly. "Between now and the dates of the hearings the probation officer will complete his investigation of the circumstances of each of your cases. If it is necessary, the probation officer may bring in witnesses at the hearing to prove the allegations. Each of you can bring in witnesses to testify on your behalf. If you or your parents want to bring in any witnesses, you should give the names to the clerk of the court of the probation officer and we will see that subpoenas are issued. If there should be insufficient evidence at the hearing, the petition will be dismissed in your case and that will be the end of the matter. However, if the evidence shows that you have violated the law as your petition alleges, we will have to determine what the best course of treatment for you should be.

"The purpose of the juvenile court is to help young boys like yourselves to grow up into healthy, law-abiding citizens. The court prefers that this growing up be done in the home, but the home may not always be the best place for you. Sometimes an institution can give you better training."

"Now I assume you have all been informed that you are entitled to have an attorney represent you. It is not necessary to have one, but if you want one, it would be a good idea to contact one as soon as possible. If you cannot afford one, the public defender will represent you. If you are in detention, you can ask your probation officer to contact your attorney for you.

NOTE: As our readers know, the court often considers at the same hearing the cases of youth involved in unrelated crimes. In this instance, for the purpose of "setting the state," three youths have been introduced; for the sake of brevity, only the cases of Duncan Karp and William Ganther will be considered. Readers are referred to Case III for the decision made with regard to Ralph James. Pp. 88-90=

The Judge glanced at the petition and recommendation for order of detention in the case of Duncan Karp.

"Duncan, do you understand why a petition has been filed on your behalf? the Judge asked, looking at the boy.

"Yes."

"And you, Mr. and Mrs. Karp. Do you understand the allegations?" the Judge shifted his gaze to the back of the room.

Both parents nodded their heads.

"You're presently on probation, aren't you, Duncan?"

"Yes," the boy said sheepishly.

"It would appear you have trouble keeping your hands off other people's things. You've also violated the terms of your probation. I think it best for your protection and the protection of others that we keep you here until your hearing."

Duncan shrugged his shoulders. Mrs. Karp made a motion as if she were about to stand up and say something, but her husband held her back. They began talking in angry whispers. The Judge signed the detention order for Duncan Karp and passed it on to the clerk who was seated at a separate desk to the right of the Judge.

"What about you, William? Do you understand the allegations against you? Let's see, you were involved with Duncan, weren't you?"

"Yes, sir."

"And your license has been suspended?"

"Yes, sir, but really I'm a good driver."

"Even when you're driving other people's cars?"

William blushed.

"Your Honor, may I say something?" said Mrs. Ganther. "I hope you are going to let William come home. He shouldn't miss going to school over this."

"Mrs. Ganther," the Judge said acidly, "there are some things more important than school. William obviously has not learned to respect other people's rights. I don't believe he can behave himself between now and the time of his hearing. I find that it is a matter of immediate and urgent necessity for the protection of the person or property of another that William be detained."

"Your Honor, you can't do that," Mr. Ganther was on his feet.

"It's already done, Mr. Ganther. I would advise you to sit down."

Mr. Ganther hesitated for a moment then sat down.

"All right, boys, you can get up now," the baliff said. "Parents will remain seated." The boys stood up and followed the counselor out of the room in orderly single file. Then the parents left, all talking at once.

DETENTION OF DUNCAN KARP

The law specifically permits detention solely on the ground that a youngster has violated an order of the court. It has been contended that detention on this ground is retribution and is a departure from the rehabilitative philosophy of the juvenile court. Others feel that although it may in fact be punishment, such punishment has therapeutic value. Moreover, whereas punishment prior to adjudication of a first offense may be a violation of due process, punishment of a youngster on probation is legally permissible without a full court hearing, especially where the evidence of the subsequence offense is overwhelming and the youngster admits his complicity.

As indicated before, assumptions regarding the efficacy of punishment are at best shaky. In Duncan Karp's case what could the judge have done to buttress these assumptions? Would you recommend any of the following:

1) An inquiry by the judge regarding whether Duncan had ever been detained before?
2) A probing by the judge into the attitudes of Duncan or his parents toward further detention?
3) An off-the-record discussion between the judge, the probation officer and the detention counselor regarding Duncan's present experience and reaction during detention?

DETENTION OF WILLIAM GANTHER

The major reason for detaining William was the danger that he might commit another offense prior to his hearing. But if William is a "security" risk prior to his hearing, why is it any less likely he will be one after his hearing? In such cases the only logical recommendation for disposition would be institutionalized "treatment" prior to releasing William back into the community. Not infrequently, however, the probation recommendation in such cases is that the youngster be placed on probation, sometimes without even wardship.

As a matter of logic, is it necessary that the Judge recognize the potential disposition as a factor in determining whether detention should be ordered?

As a matter of policy, do such cases support the argument for introducing bail into the juvenile adjudication process?

Would you approve of either of the following alternatives:

1) A statement by the Judge to the probation personnel that he will not approve detention recommendations in "security" risk cases unless there is a likelihood that the disposition recommendation will be for some sort of institutionalization?

2) A request by the Judge that probation personnel present sufficient evidence at the detention hearing to support special findings that the youngster is a present "security" risk?

   Was there sufficient evidence for such a finding in the case of William Ganther?

DISCUSSION

As we have pointed out, there is probably as much middle-class delinquency as there is lower-class delinquency, but criminal statistics do not show this because the middle class is better able to cover up the misdeeds of its children. There are certain informal and formal ways of covering up.

When children from wealthy families wish to have a drinking party, they can often do so in privacy at home, or in another town. If they get drunk, the parents may drive over quickly and pick them up. Whatever difficulty they cause is often straightened out privately among other middle-class parents or complainants. Lower-class children must party in public, or nearly so, and are bound to create wide discontent with their noise and drunken behavior.

When a middle-class boy is troublesome, or his middle-class girl friend is "in trouble," the parents know of and can afford private schools, summer camps, and visits to Aunt Jane in the country, where their children are sent to get over their problems. These facilities are not normally available to poor people. In the case under discussion, one of the juveniles involved came from a wealthy district in Osborne, another from a middle-class district, and the rest from the poorer district of the city. Possession of alcohol and joyriding are offenses which are not usually detected when committed by middle-class children.

This case is proof of the pressures which the adolescent group brings to bear on, and within, its individual members. Two of the group, Bonnie Ward and John Carter, did not really want to go along, but were afraid to be labelled "party poopers." Even when they discovered that the car was stolen, they hid their reluctance from their friends. Bonnie Ward, who was very unhappy when she discovered what sort of party it was going to be, was glad when the policeman stopped the car.

For a look at the "pressures" on the adolescent, which tend to provide direction for action, see Erikson's Identity vs. Identity Diffusion, pp. 193-197

It is difficult to tell which of the other three was the leader of this group. Because of the age of the youngsters, their stories were more consistent and more revealing. The Peterson girl was obviously out for fun. Karp's great longing to have a car spurred him to suggest stealing one. Ganther came from the wealthy district, and was able to acquire the alcohol at home. Among these three -- Karp, Ganther, and the Peterson girl -- there grew the spontaneous idea of a party. Bonnie Ward went along because she idolized Peterson, and the third boy got into it because the others just happened to pass him and asked him to join them.

At the police station, the officer had to decide how to interview the juveniles. The technique of having each one write a statement works in some cases, more often with older than with younger children. You will find it useful at times. The statements we have included here give some idea of this method's effectiveness.

This case raises another general consideration. Agencies of justice tend to treat boys and girls very differently. Boys are usually brought in under section 602 of the Welfare and Institutions Code, for acts which would be crimes if committed by an adult. Girls are also brought in under section 602, but because there is a notion that girls do not commit crimes as frequently as boys, it has become the practice to look upon their delinquencies as symptoms of something more serious. After extensive examination of her case, a girl is often found to be in danger of leading a lewd and immoral life (section 601 of the Welfare and Institutions Code.), This is a rather strange outcome. Boys, because boys commit more crimes, are filed on under 602 and girls, because girls don't commit so many crimes, are filed on under 601. The effect of this practice is to bias the statistics in favor of the assumption that boys commit more crimes. There may be one good reason for acting under section 601 in girls' cases. When a girl finally comes to the attention of the police, she is usually pretty far gone. Girls are somewhat protected by our society and before they can break away from the formal and informal restrictions which are put upon them, they have usually overstepped the mark in no uncertain way.

The families of these juveniles are all examples of the types of families which you will meet. Duncan Karp came from a lower middle-class home dominated so largely by the mother that the boy was scornful of his father for being so "hen-pecked." The parents of William Ganther were rich and lived in the best part of town. They had great expectations for their boy and had, in fact, already enrolled him in a university. His drinking and joyriding were considered as "pranks" by his father who had done similar things at college and that "boys will be boys." They resented the attitude of the police and probation, because social drinking is part of a young man's initiation into the adulthood of their class.

John Carter, who lived with his grandparents,felt the great age difference between himself and his grandparents, and remembers his parents as "wonderful people."

Bonnie Ward's parents loved her and were very concerned for her welfare; as a matter of fact, they were too protective of her.

The other girl, Hilary Peterson, came from a home which appeared to be undesirable. The comments in the narrative and the police report indicate that her mother entertained a string of men. The girl did not like them and believed that her mother was engaged in some form of prostitution. The probation officer's decision to detain her and to file a 601 was certainly a sensible one.

These children with their varied backgrounds were brought together by the juvenile subculture. This subculture can be very widespread. In one jurisdiction, the delinquent subculture is so widespread that girls who come into Juvenile Hall know all about girls who are already there, even though they have never met them. They talk and ask questions to such an extent about other girls who are not there that the probation officers are able to anticipate whom they will be getting in the next few months. As another example, we were told that if one were to take three or four of the hard-core male delinquents to a stadium full of school children from the same city, the delinquents could easily pick most of the troublemakers out of the crowd. They are able to recognize their kind by means of intelligence and knowledge which the subculture enables them to pass around. The transmission of information is often made easier by the administrative policy of the school system which moves troublemakers from one school to another in hope that they will settle down in new surroundings. The usual result is that the juvenile subculture grows wider and stronger.

All the psychological reports in these cases are exaggerated because we wish to demonstrate that if one examines any individual closely enough one can probably come up with a psychological report which, on its surface, is quite alarming. This is done partly by the use of a technical vocabulary. Beware of becoming too technical and using obscure labels to explain behavior. In the case of Duncan Karp, the insistence on therapy in his psychological report and in the evaluation is possibly misplaced. Therapy is not suitable here, since therapy can be used only in carefully structured situations and only with people who are amenable to it. Duncan Karp's case history does not lead one to believe that therapy will be beneficial to him. The final recommendation made in his case is probably the most sensible one, for certainly he needs more adult guidance than his family can give him.

Conversely, in the Ganther case, it is probably the family which needs guidance to be made aware of its responsibilities toward William, and it may need to be brought down a peg or two.

The different dispositions of the three boys were due to the fact that one of the girls in the case was dealt with more leniently than the other. This sort of thing is going to happen from time to time. When you get a case involving a group of juveniles, some of whom are girls, make sure that you work closely with the female deputy who will be handling the girls' cases. In this way you may arrive at some uniformity of disposition for those juveniles whose case histories are very similar. What we are stressing here is that no harm ever comes of talking to your fellow officers about cases, or of asking them how they would dispose of similar cases. This is one of the best ways to learn.

* * * * *

Fourth Setting

Juvenile Court, two weeks later; the adjudication hearing.

Characters

The Judge	Juvenile Court
Herb Brownlow	Probation Officer
Mr. and Mrs. Richard Ganther	William's Parents
Mr. and Mrs. Raymond Karp	Duncan's Parents
William Ganther	Juvenile Offender
Duncan Karp	Juvenile Offender

ADJUDICATION

The Karps were seated in front of the Judge's desk in his office. A few minutes earlier in the courtroom, Duncan Karp and William Ganther had admitted taking a car.

"Judge, it seems to me you're making a mountain out of a molehill. So what if Duncan took a car? He made a little mistake; he was going to return it," Mrs. Karp said indignantly.

"Mrs. Karp, this isn't Duncan's first offense. He's getting into serious trouble now. I wonder what your reaction would be if your automobile had been stolen?" the Judge asked.

"I really don't see how that's an issue," she said.

"Mr. Karp, what do you think?" the Judge asked.

"I think you are probably right, Your Honor. I've had the feeling for some time that something was wrong with the boy."

"Oh come now, Ray," his wife said.

"The probation officer feels that Duncan's problems stem from his family situation," the Judge said, looking at Mrs. Karp.

"You're probably right there too," Mr. Karp said.

"Nonsense," said Mrs. Karp, her voice skirting the edges of hysteria, "Duncan's just a spoiled brat."

Mr. Karp stared at her coldly. "What do you suggest we do, Judge" he asked quietly.

"I think it best to place Duncan on probation. This will introduce a new figure into his life who will help with his supervision. The probation officer also thinks that Duncan needs professional therapeutic assistance. He'll recommend a clinic to you. The parents are sometimes asked to participate in this process. I think they call it family therapy."

"We'll cooperate, Judge," Mr. Karp said, glancing sharply at his wife.

"I certainly hope so," the Judge replied. "You people are going to have to learn to work together in order to solve your problems."

The Judge and the Karps then re-entered the courtroom. The Judge sat down at his desk. "Duncan," he said, "you boys have stolen a car. Do you realize what that means? It means you have committed a crime. You are criminals. Criminals are dangerous to society and, therefore, the law says they can be put in jail. It is a serious and outrageous offense to steal another man's property. I expect you to remember that. I'm going to give you a break this time, Duncan, but do I have your promise that you will cooperate with the probation officer and keep out of trouble if I send you home?"

"Yes," answered Duncan.

"All right, Duncan Karp will be placed on probation." The Judge then turned to the Ganthers. They had been sitting quietly, observing Duncan Karp's disposition hearing. "You haven't been here before, have you, William?" the Judge said.

"Of course not," Mr. Ganther snapped.

The Judge looked at him and said quietly, "Why 'of course not,' Mr Ganther?"

"Bill's a good boy, this was just a youngster's prank."

"Mr. Ganther, although this is Bill's first time in court, his driver's license was suspended by the Department of Motor Vehicles for repeated offenses."

"Those were just traffic offenses, Judge. My God, the boy isn't a common criminal as you seem to think. The outrageous nerve of keeping him in Juvenile Hall until this hearing!"

"Mr. Ganther," the Judge said coldly, "I'm afraid you don't understand the seriousness of Bill's conduct. He stole an automobile worth thousands of dollars."

"I guess that's going too far, but I think you've gone too far as well."

"Bill, what do you think?" the Judge said.

"I guess we shouldn't have done it, but we were bored and we didn't really think we were doing anything wrong."

"Do you realize it now?"

"Yes, sir. It sure wasn't fun, being cooped up in Juvenile Hall. I think this has been a good lesson for me."

"Well, I hope so, young man. I wonder if you realize how an escapade like this can harm not only you but your family and its reputation."

"Yes, sir."

"Is Bill still seeing a psychiatrist?" the Judge asked.

"He stopped, but we'll see that he starts again," Mrs. Ganther answered.

"All right, we'll see that Bill gets some supervision without irretrievably ruining his record. We'll put him on six months' probation without declaring wardship."

DISCUSSION

During the hearing the Judge emphasized the criminal nature of Duncan's and William's conduct because he wanted to make them more aware of the seriousness of stealing a car. Sometimes such remarks can do more harm than good. The boys had already been arrested and processed by the police, detained and investigated by the probation department, and finally brought to court. They may already have felt separate and apart from what is considered respectable society. By overdramatizing the "evil" nature of the boys' acts, and by inviting them to regard themselves as criminals, the Judge may have encouraged commission of acts the court is trying to prevent.

Overdramatizing "evil" and the way it may affect a youth in the process of making a criminal is presented on pp. 198-202

In order to receive approval, Duncan and William may be forced to associate with others who have been similarly stigmatized. Their participation in the "normal" activities of such a group may result once again in their apprehension by the police and then adjudication and disposition by the court. If they were then committed to a custodial institution, they could be thrust into a youth culture which demands as a matter of survival that they adopt the values of their fellow "delinquents." Soon they could come to see law enforcement personnel as "them" and criminals as "us." Their "education" as criminals will have been completed.

Duncan and William are not going to become the Al Capones of tomorrow simply because the Judge referred to them as criminals, but such language serves to separate them from society rather than to keep them a part of it. Perhaps the greatest factor militating against the development of these boys into hardened criminals is their middle-class background. There is less likelihood that such youngsters will regard themselves as delinquents. Mrs. Karp, who felt that "tough" kids commit crimes while her boy only indulged in occasional pranks, and Mr. Ganther, who was belligerent in court, are examples of middle-class parents who consider delinquent behavior abnormal for their offspring and the handling of their youngsters by law enforcement authorities a terrible mistake. Though the Judge may be irritated by such attitudes, he must recognize that they are useful in protecting the family's self-image; they indicate that the parents will do everything in their power to discourage further delinquency by their youngsters.

Some of the social influences that tend to encourage delinquent behavior are discussed by Shaw and McKay in "Social Factors in Juvenile Delinquency", pp. 203-209.

On the other hand, lower-class youths usually live in high delinquency areas and are forced to conform to the demands of the subculture which surrounds them. There is always the danger that an adjudication will encourage their delinquent behavior by raising their status among their peers. Even where a conscious attempt is made to remain aloof from their delinquent environment, their families often lack the experience and resources necessary to make this possible. For example, they are not likely to know about the social services that are available or to have the funds to avail themselves of such services if they do know about them.

Techniques of "reaching" youngsters must be varied to fit the socio-economic class backgrounds of their families. Lower-class youngsters constantly faced with the realities of life are particularly sensitive to threats to their immediate existence.If such a youngster, for example, is interested in athletics, he can be made to realize that he will not make the team if he is expelled from school. Older boys from stable homes will be concerned about the harm that a second appearance in juvenile court can do to their job or military service opportunities. A parent's refusal to approve a driver's license application is one of the most effective ways of reaching youths, no matter what their social class.

Middle-class youngsters and their families are also susceptible to more abstract arguments. In this case, the judge appealed to middle-class values; by mentioning the cost of the automobile, he brought home the seriousness of the offense. His reminder to William Ganther of his responsibility not to damage the "good name" of his family, was an appeal to another important middle-class value -- status in the community. On the other hand, if there is hostility between a youth and his family he may want to drag down the family honor in order to "get back" at his parents. The probation report on the Karps indicated that they were sensitive to the opinions of others. ("The neighbors will think we are trash. . . .") Nevertheless, the Judge did not mention family reputation to Duncan because the probation report also revealed that hostility existed between Duncan and his parents. This made the Judge's task even more difficult. The Karps obviously needed some skilled help with their internal family problems, but any suggestions about mental health therapy should probably have been rejected with cold hostility if made in court in front of their peers, the Ganthers. The Judge, therefore, arranged a private conference in his chambers.

The primary danger of private conferences is that they will degenerate into star chamber proceedings wherein, without the presence of the minor, decisioms are made and plans formulated. This is a serious objection and before holding such a conference the Judge should carefully weigh its fairness and usefulness.

The chief argument for private conferences is that many times they bring the "unspeakable" out in the open. Some juvenile court judges believe that such conferences are unnecessary because the juvenile hearings are not open to the public. They overlook, however, the fact that the very presence of the other people involved in the case inhibits candid discussion. This problem could be avoided by having separate hearings in the first place, but as we have indicated, group adjudications can be extremely helpful in obtaining the best possible account of the facts when two or more youths are involved in the same offense. One possible solution is a combination of joint hearings through the hearing of testimony and adjudication, then separate proceedings for dispositions.

Occasionally judges make the tragic mistake of reading probation reports aloud in court. If the probation report contains derogatory remarks about the parents, they may become hostile or reticent due to the embarrassment of being exposed in front of their children and the other adults. If the disposition involves placement in a private institution, the parents may be loath to reveal their financial status in front of the other participants. Most judges find that parents are more willing to discuss their family situation during private conferences rather than in court.

During the conference with the Karps, the Judge functioned as a "casefinder" rather than as a "caseworker" who helps the family solve their problems. The Judge made further casework possible by giving his support to the probation officer's recommendation for therapeutic assistance. This may have redeemed any prestige lost by the probation officer as a result of not being included in the private conference. However, in order to insure proper follow-up by the probation officer, the Judge should not have excluded him from the private conference. The probation officer usually has more intimate contact with the youth and his family, and he is familiar with their history and background before the judge ever learns of the case. It is therefore unlikely that his presence would cause the family to become more reticent during a private conference. If for some reason the probation officer is not present at such a conference, the judge should inform him of everything that occurs.

Mental health assistance is not necessarily a panacea and psychiatrists and psychologists make no claim that they can control behavior in as predictable a manner as physicians can control physical illness. They are not even sure whether an understanding of the emotional psyche can really be of help in formulating a useful plan to correct specific behavior. Judges must therefore not automatically rely on the judgments contained in the psychiatric and psychological reports and ignore the recommendations of the social reports. Psychiatric and psychological personnel who are aware of the limits of their disciplines and who realize that some judges rely totally on them have been known to adjust their findings to conform to the recommendations of the social report. In this connection, compare the "psychological report" and "evaluation" sections of the social report on Duncan Karp. What do you make of the statement that "the boy is a trouble maker?" Does it tell you more about the probation officer's findings than it does about the boy?

By Erik H. Erikson from New Perspectives for Research on Juvenile Delinquency, edited by Helen L. Witmer and Ruth Kotinsky, U.S. Department of Health, Education and Welfare. Social Security Administration -- C.B., U.S. Gov't. Printing Office, Wash., D.C., 1955. pp. 9-10

INTRODUCTION

Erikson, a psychiatrist, is concerned with the developmental difficulties of adolescence that may result in deviations of one kind or another. He addresses himself to the problems of identity as they are experienced during the crucial adolescent years, and his observations give a social psychological perspective to the problems of juvenile delinquency. If we know what problems the youth is attempting to solve we may, by virtue of our actions, be able constructively to redirect him.

IDENTITY VS. IDENTITY DIFFUSION IN ADOLESCENCE

"Let me briefly point to the main components of identity diffusion... Ultimately each component should be discussed in connection with adolescence as a normative life-crisis; in connection with individual psychopathology; and finally, in connection with social pathology, such as delinquency.

First, I speak of a sense of time diffusion. This ranges from a desperate urgency (to act right now) to utter apathy. Phenomenologically, such diffusion is typical for all adolescents at one stage or another, but becomes **pathologically marked in some.** The tremendous changes in time-perspective in adolescence (backward and forward; infinity of phantasy, and immediate long-range commitment) are aspects of this diffusion. The original trust of the world is here challenged again, for emotional autonomy must now become complete. Time diffusion can re-awaken basic mistrust, and thus call on very primitive mechanisms.

"Identity consciousness means preoccupation with discrepancies between the self-image (or images) and one's appearance in the eyes of others. The vanity and sensitivity of adolescents belong here, and also their apparent callousness to suggestions and their lack of shame in the face of criticisms. Again, these are primitive defenses, upholding a shaky self-certainty against doubt and shame.

"Connected with this, there is often a provocative experimentation with a negative identity. Adolescents, at one time or another, for longer or shorter periods, and with varying intensity, suddenly decide to try to be exactly what some significant people do not want them to be. It is here that what we analysts call compensations can suddenly crumble, causing inner anarchy and either paralysis of initiative or that pathological initiative which is crime. Young people in extreme conditions may, in the end, find a greater sense of identity in being withdrawn or in being delinquent than in anything society has to offer them. Yet we underestimate the hidden senitivity of these young people to the judgment of society at large. As Faulkner puts it: 'Sometimes I think it ain't none of us pure crazy and ain't none of us pure sane until the balance of us talks him that-a-way.' If the 'balance of us' diagnose these young people as psychotic or delinquent, that may be the final step in the formation of a negative identity. To a high proportion of 'confirmed' delinquents, society, since the beginning of their adolescence, has offered only this one convincing 'confirmation.' Gangs, naturally, become the subsocieties for those thus confirmed.

"Then paralysis of workmanship. Here you have merely to note the deep difference between 'completing a job' in the sense of creating a value or a commodity of any kind, and 'doing a job' (that is a burglary) or 'making a good job of it' in the sense of completing a destruction. From here it is only one step to another obvious consideration; namely, that young people must have learned to enjoy a sense of workmanship in order not to need the thrill of destruction. Schizoids and delinquents have in common a mistrust of themselves, a disbelief in the possibility that they could ever complete anything of value. This, of course, is especially marked in those who, for some reason or other, do not feel that they are partaking of the technological identity of today. The reason may be that their own gifts have not found contact with the productive aims of the machine age or that they themselves belong to a social class (here 'upper-upper' is remarkably equal to 'lower-lower') that does not partake of the stream of progress. . .

"*Bisexual diffusion* in adolescence needs little explanation. It fuses with identity-consciousness in the adolescent's preoccupation with the question of what kind of man or woman, or what kind of intermediate or deviate, he might become. An adolescent feels that to be a little less of one means to be much more of the other -- or, rather,to be a little less of one means to be *all* of the other. If at such a time something happens that psychosocially marks him as a homosexual or a tomboy, as a mannish woman, or a 'longhair,' he may develop a deep fixation, connected with a negative identity, and true *intimacy* will seem dangerous.

"By *leadership polarization* I mean that the adolescent has to learn both to lead and to be led. He has to find out what the pecking order feels like. If this is short-circuited, he develops some kind of *authority diffusion*. Even leaders must be corporals first. On the question of who can tell whom, and what, the delinquent remains stuck.

"Finally, there is *ideological polarization*. Young people must be given meaningful ideological opposites from which to choose (or to think they choose) a clearly marked group-identity, and a clearly rationalized repudiation of other identities. Otherwise, *ideological diffusion* will make a well-sustained identity formation impossible. Offhand, it might seem that the present division of the world into two worlds provides such clearly marked opposites. But I would think that an analysis of the effect of the cold war on youth (probably on both sides) would show that this is an ideological war between people in late middle age, and that youth is not only not ideologically involved and committed but has become somewhat suspicious of the whole thing."

SUMMARY

The problems of identity are always worked out within a social context. Significant others, who may be family or peer group members, are important actors in this maturational drama. The importance which Erikson places upon a meaningful view of life is dealt with in another fashion by Schwendinger.

From Frank Tannenbaum, Crime and the Community, Ginn and Company, Boston, 1938. pp. 19-22. Reprinted by permission.

INTRODUCTION

Sometimes there may be an unintended consequence of a youth's first contact with the police. Instead of being simply an unpleasant experience which points up the advantages of a law-abiding life, it may initiate a process which brings the juvenile again and again to official attention. Tannenbaum describes how this happens.

" THE DRAMATIZATION OF EVIL"

"The first dramatization of the 'evil' which separates the child out of his group for specialized treatment plays a greater role in making the criminal than perhaps any other experience. . . . He now lives in a different world. He has been tagged.

"The process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of. If the theory of relation of response to stimulus has any meaning, the entire process of dealing with the young delinquent is mischievous **insofar** as it identifies him to himself or to the environment as a delinquent person.

"The person becomes the thing he is described as being. Nor does it seem to matter whether the valuation is made by those who would punish or by those who would reform. In either case the emphasis is upon the conduct that is disapproved of. The parents or the policeman, the older brother or the court, the probation officer or the juvenile institution, **insofar as they** rest upon the thing complained of, rest upon a false ground. . . . The harder they work to reform the evil, the greater the evil grows under their hands. The persistent suggestion, with whatever good intentions, works mischief, because it leads to bringing out the bad behavior that it would suppress. The way out is through a refusal to dramatize the evil. The less said about it the better. . . .

"The dramatization of the evil therefore tends to precipitate the conflict situation which was first created through some innocent maladjustment. The child's isolation forces him into companionship with other children similarly defined, and the gang becomes his means of escape, his security. The life of the gang gives it special mores, and the attack by the community upon these mores merely overemphasizes the conflict already in existence, and makes it the source of a new series of experiences that lead directly to a criminal career.

"In dealing with the delinquent, the criminal, therefore, the important thing to remember is that we are dealing with a human being who is responding normally to the demands, stimuli, approval, expectancy, of the group with whom he is associated. We are dealing not with an individual but with a group. . . .

"If we are not dealing with a gang, we may be dealing with a family. And if we are not dealing with either of these especially, we may be dealing with a community. In practice all these factors -- the family, the gang and the community -- may be important in the development and the maintenance of that attitude towards the world which makes a criminal career a normal, an accepted and approved way of life.

"Direct attack upon the individual in these circumstances is a dubious undertaking. By the time the individual has become a criminal his habits have been so shaped that we have a fairly integrated character whose whole career is in tune with the peculiar bit of the environment for which he has developed the behavior and habits that cause him to be apprehended. In theory isolation from that group ought to provide occasion for change in the individual's habit structure. It might, if the individual were transplanted to a group whose values and activities had the approval of the wider community, and in which the newcomer might hope to gain full acceptance eventually. But until now isolation has meant the grouping in close confinement of persons whose strongest common bond had been their socially disapproved delinquent conduct. Thus the attack cannot be made without reference to group life.

"The attack must be on the whole group; for only by changing its attitudes and ideals, interests and habits, can the stimuli which it exerts upon the individual be changed. . . .If the individual can be made aware of a different set of values for which he may receive approval, then we may be on the road to a change in his character. But such a change of values involves a change in stimuli, which means that the criminal's social world must be changed before he can be changed. . .

"The point of view here developed rejects all assumptions that would impute crime to the individual in the sense that a personal shortcoming of the offender is the cause of the unsocial behavior. . . .

"This of course does not mean that morphological or psychological techniques do not have value in dealing with the individual. It merely means that they have no greater value in the study of criminology than they would have in the study of any profession. . . . The criminal differs from the rest of his fellows only in the sense that he has learned to respond to the stimuli of a very small and specialized group; but the group must exist or the criminal could not exist.

SUMMARY

Tannenbaum suggests what may occur when there is an excessive reliance on arrest and detention. Probably the most destructive step in the machinery of criminal justice which the delinquent suffers is his loss of identity and alienation from the conventional world outside. This is more likely to occur when the juvenile has had the complete cycle of contact with the official process from police to correctional institution. The loss of identity occurs through what some sociologists have called a "status degradation" ceremony. The juvenile is photographed, fingerprinted, weighed, searched thoroughly for hidden items, and given a shower and a new set of clothes. If the youngster is detained for any length of time, he is removed from his family and friends and given a new set of significant people to whom he must relate. His attempts to relate to others is simple survival strategy; the juvenile joins with those in the same predicament in order to make his new existence liveable. Within the social groupings of the inmate culture, a circle of acquaintances is established, in which the youngster can reassert his lost individuality. The personal relationships developed with others in the same situation enable the juvenile to redefine himself according to the situation, to adjust to the low status accorded him, and to accept the attitudes of others toward him. Thus the very tendencies which the experience is designed to repress are encouraged by requiring inmates to group together and develop a code in order to live.

Abstracted from Clifford R. Shaw and Henry D. McKay, "Social Factors in Juvenile Delinquency," Vol. II of Report on the Causes of Crime, National Commission on Law Observance and Enforcement, Report No. 13, Washington, D.C.: U.S. Government Printing Office, June 26, 1931. pp. 191-199, and *passim*.

INTRODUCTION

Astute observers of city life have often noted that a youngster's tendency to delinquency is influenced by his neighborhood. One factor in any judicial decision may be the area to which the youngster must return -- not just the family situation but the local community. Because certain areas of the city supply a disproportionate amount of juvenile and adult crime, it becomes necessary for us to take a youngster's place of residence into account in our judicial decision.

Shaw and McKay discuss the implications of the fact that some neighborhoods appear more law-breaking than others.

SOCIAL FACTORS IN JUVENILE DELINQUENCY

"The delinquency data presented graphically on spot maps and rate maps give plausibility to the existence of a coherent system of values supporting delinquent acts. In making these interpretations it should be remembered that delinquency is essentially group behavior. A study of boys brought into the Juvenile Court of Cook County during the year 1928 revealed that 81.8 percent of these boys committed the offenses for which they were brought to court as members of groups. And when the offenses were limited to stealing, it was found that 89 percent of all offenders were taken to court as group or gang members. In many additional cases where the boy actually committed his offense alone, the influence of companions was, nevertheless, apparent. This part is illustrated in certain cases of boys charged with stealing from members of their own families, where the theft clearly reflects the influence and instigation of companions, and in instances where the problems of the boy charged with incorrigibility reveal conflicting values, those of the family competing with those of the delinquent group for his allegiance.

"The heavy concentration of delinquency in certain areas means, therefore, that boys living in these areas are in contact not only with individuals who engage in proscribed activity but also with groups which sanction such behavior and exert pressure upon their members to conform to group standards.

"The maps representing distribution of delinquents at successive periods indicate that, year after year, decade after decade, the same areas have been characterized by these concentrations of delinquents. This means that delinquent boys in these areas have contact not only with other delinquents who are their contemporaries but also with older offenders, who in turn had contact with delinquents preceding them, and so on back to the earliest history of the neighborhood. This contact means that the traditions of delinquency can be and are transmitted down through successive generations of boys, in much the same way that language and other social forms are transmitted. The cumulative effect of this transmission of tradition is seen in two kinds of data, which will be presented here only very briefly. The first is a study of offenses, which reveals that certain types of delinquency have tended to characterize certain city areas. The execution of each type involves techniques which must be learned from others who have participated in the same activity. Jack-rolling, shoplifting, stealing from junkmen, and stealing automobiles are examples of offenses with well-developed techniques, passed on by one generation to the next.

"The second body of evidence on the effects of the continuity of tradition within delinquent groups comprises the results of a study of the contacts between delinquents, made through the use of official records. The names of boys who appeared together in court were taken, and the range of their association with other boys whose names appeared in the same records was then analyzed and charted. It was found that some members of each delinquent group had participated in offenses in the company of other older boys, and so on, backward in time in an unbroken continuity as far as the records were available. If an unbroken continuity can be traced through formal institutions such as the Juvenile Court, the actual contacts among delinquents in the community must be numerous, continuous, and vital.

"The way in which boys are inducted into unconventional behavior has been revealed by large numbers of case studies of youths living in areas where the rates of delinquents are high. Through the boy's own life-story the wide range of contacts with other boys has been revealed. These stories indicate how at early ages the boys took part with older boys in delinquent activities, and how, as they themselves acquired experience, they initiated others into the same pursuits."

* * * * *

"There is a direct relationship between conditions existing in local communities of American cities and differential rates of delinquents and criminals. Communities with high rates have social and economic characteristics which differentiate them from communities with low rates. Delinquency -- particularly group delinquency, which constitutes a preponderance of all officially recorded offenses committed by boys and young men -- has its roots in the dynamic life of the community.

"The high degree of consistency in the association between delinquency and other characteristics of the community not only sustains the conclusion that delinquent behavior is related dynamically to the community but also appears to establish that all community characteristics, including delinquency, are products of the operation of general processes more or less common to American cities. Moreover, in Chicago the rates of delinquents for many years have remained relatively constant in the areas adjacent to centers of commerce and heavy industry, despite successive changes in the nativity and nationality composition of the population. This fact supports emphatically the conclusion that the delinquency-producing factors are inherent in the community.

From the data available it appears that local variations in the conduct of children, as revealed in differential rates of delinquents, reflect the differences in social values, norms, and attitudes to which the children are exposed. In some parts of the city, attitudes which support and sanction delinquency are, it seems, sufficiently extensive and dynamic to become the controlling forces in the development of delinquent careers among relatively large numbers of boys and young men. These are the low-income areas, where delinquency has developed in the form of a social tradition, inseparable from the life of the local community.

In these communities many children encounter competing systems of values. Their community, which provides most of the social forms in terms of which their life will be organized, presents conflicting possibilities. A career in delinquency and crime is one alternative, which often becomes real and enticing to the boy because it offers the promise of economic gain, prestige, and companionship and because he becomes acquainted with it though relationships with persons whose esteem and approbation are vital to his security and to the achievement of satisfactory status. In this situation the delinquent group may become both the incentive and the mechanism for initiating the boy into a career of delinquency and crime and for sustaining him in such a career, once he has embarked upon it.

In cases of group delinquency, it may be therefore said that the delinquent, from the point of view of his immediate social world, is not necessarily disorganized, maladjusted, or antisocial. Within the limits of his social world and in terms of its norms and expectations, he may be a highly organized and well-adjusted person.

The residential communities of higher economic status, where the proportion of persons dealt with as delinquents and criminals is relatively low, stand in sharp contrast to the situation described above. Here the norms and values of the child's social world are more or less uniformly and consistently conventional. Generally speaking, the boy who grows up in this situation is not faced with the problem of making a choice between conflicting systems of moral values. Throughout the range of his contacts in the community he encounters similar attitudes of approval or disapproval. Cases of delinquency are relatively few and sporadic. The system of conventional values in the community is sufficiently pervasive and powerful to control and organize effectively the lives of most children and young people.

In both the lower-income and upper-income communities, the dominant system of values is conventional. In the first, however, a powerful competing system of delinquency values exists; in the second, such a system, if it exists at all, is not sufficiently extensive and powerful to exercise a strong influence in the lives of many children. Most of the communities of the city fall between these two extremes and represent gradations in the extent to which delinquency has become an established way of life.

In the low-income areas, where there is the greatest deprivation and frustration, where immigrant and migrant groups have brought together the widest variety of divergent cultural traditions and institutions, and where there exists the greatest disparity between the social values to which the people aspire and the availability of facilities for acquiring these values in conventional ways, the development of crime as an organized way of life is most marked.

SUMMARY

Some probation reports describe the community from which juveniles come, others do not. If the judicial officer is generally aware of his community, the address of the child will often give him the information he needs on a neighborhood. It is then for him to determine whether the family will insulate the youngster from deleterious neighborhood influences or expose him to them.

CASE FIVE

Sex Offense.

First Setting

Police Station, end of watch, desk sergeant discusses alleged rape incident with officer.

Characters

Sgt. Mike Keats	Juvenile Bureau
Jack Fowler	New Officer
Florence Parker	Complainant
Karen Parker	Victim
Steven Bell	Witness
Diane Compton	Witness
William Price	Juvenile Offender

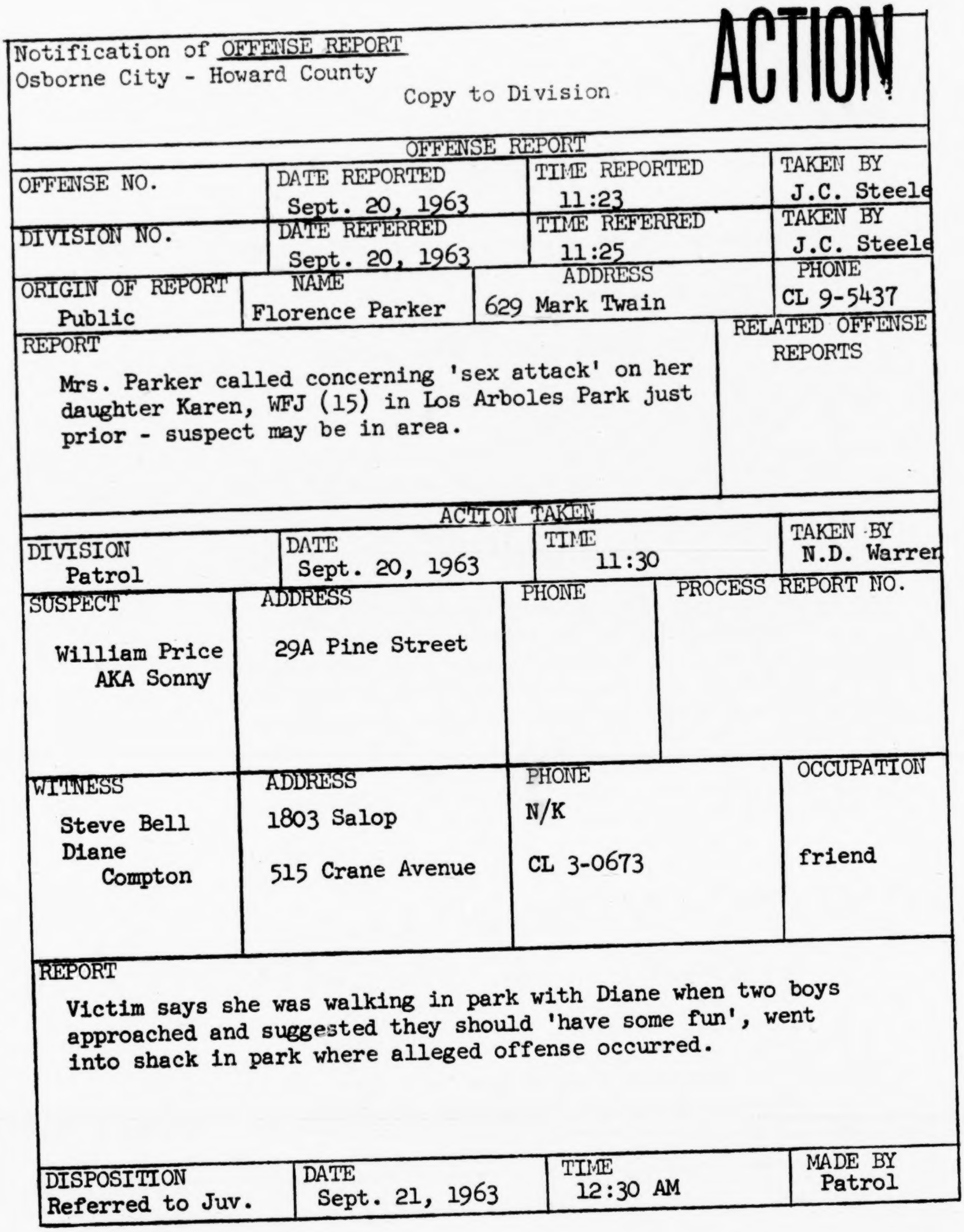
The watch was ending. Things were quieting down and it looked as if there would be little to do; a loitering case or so, then home.

A sudden clatter, and the delivery tube dropped a can too loudly into the receiving basket. The Sergeant muttered words known only to him, and read the message.

"Hey, Fowler. I got a little job only you can do."

"What?"

"This report from patrol division. An attempted rape. This suspect is an old friend. You'd better pick him up."



Notification of OFFENSE REPORT
Osborne City - Howard County

Copy to Division

ACTION

OFFENSE REPORT

OFFENSE NO.	DATE REPORTED Sept. 20, 1963	TIME REPORTED 11:23	TAKEN BY J.C. Steele
DIVISION NO.	DATE REFERRED Sept. 20, 1963	TIME REFERRED 11:25	TAKEN BY J.C. Steele
ORIGIN OF REPORT Public	NAME Florence Parker	ADDRESS 629 Mark Twain	PHONE CL 9-5437

REPORT Mrs. Parker called concerning 'sex attack' on her daughter Karen, WFJ (15) in Los Arboles Park just prior - suspect may be in area.	RELATED OFFENSE REPORTS

ACTION TAKEN

DIVISION Patrol	DATE Sept. 20, 1963	TIME 11:30	TAKEN BY N.D. Warren
SUSPECT William Price AKA Sonny	ADDRESS 29A Pine Street	PHONE	PROCESS REPORT NO.
WITNESS Steve Bell Diane Compton	ADDRESS 1803 Salop 515 Crane Avenue	PHONE N/K CL 3-0673	OCCUPATION friend

REPORT

Victim says she was walking in park with Diane when two boys approached and suggested they should 'have some fun', went into shack in park where alleged offense occurred.

DISPOSITION Referred to Juv.	DATE Sept. 21, 1963	TIME 12:30 AM	MADE BY Patrol

O.P.D. **OFFENSE CONTINUATION REPORT**

Reporting Officer dispatched to investigate report of sex attack originating from ~~628~~ 629 Mark Twain. Upon arrival, R/O admitted to house by reporting party, Florence PARKER. R/O observed Complainant, Karen PARKER in living room. Her clothing dishevelled: she was crying and appeared to be near hysteria. Father of Comp. also present in L.R. He said nothing.

R/P told R/O her daughter had just been raped by two boys in Los Arboles Park. R/P was very excited. Comp. tried to say something to R/O but was told by R/P to shut up. R/O advised R/P to let the girl talk. Comp. then stated the following:

That she and girl friend (W#1) had been walking in Los Arboles Park shortly prior, that two boys (susp. and W#2) induced them to enter a shack, that while in the shack susp. suddenly exposed his penis, knocked her to the floor, tore open her blouse, tore off her underpants, and tried to rape her. Also that susp. squeezed both her arms and hurt them. (R/O observed upper arms were red). Comp. also reported that W#1 and W#2 were outside shack when this happened.

R/P then informed R/O that she wanted to sign complaint against Susp. and that she wanted him put away. R/O informed R/P that Juv. B. would follow up due to juveniles involved. Advised R/P to talk to them re: complaint.

Requested J.B. follow up. Comp. too upset to question further at this time.

"It looks like we'd better get on it. The victim's mother is screaming bloody murder. Before you go get Price, maybe you should see his record."

Offense No. 4971
Juv. Bur. No.
Juv. Hall No.
Prob. Off. No.

JUVENILE PROCESSING REPORT
Osborne City - Howard County

REC

FIELD SECTION

NAME (Last) Price	(First) William	(Middle) Carl	Sex M	Age 13	Race W	Offense	
NO. PICKUP 1	LOC. OFFENSE Dickens El.	LOC. PICKUP Home	RESIST No	WPN No	HBD		
COMPLAINANT J. L. White		ADDRESS 1912 Dock		PHONE CL 1-9344			
WITNESSES ---------		ADDRESSES ----------		PHONES ------			

DETAILS OF PICKUP

White complained that suspect had stolen his son's bicycle from the racks at Dickens Elementary School. Suspect interviewed at home. Admits taking it. Cycle recovered

	Date	Time
Pickup	2/11/60	4:30
Juv. Bur.		
Parents Not.		
Release		
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS J. K. Swann

TRANSPORTING OFFICERS

JUVENILE BUREAU SECTION

NICKNAMES Sonny	DATE OF BIRTH 4/11/46	STATE Calif.	HT. 4'11	WT. 107	EYES Br.	HAIR Br.	COMPL. Med.	MARKS, SCARS, TATTOOS None
SCHOOL O'Neill Jr	GRADE 8	REPORT C ave.	WELFARE No	LIVING WITH (ADULT) Thelma Price	ADDRESS 29A Pine	PHONE ---	RELATION Mother	

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE		
						NAT. FATHER Wm.CarlPrice	ADDRESS Unknown
						NAT. MOTHER ThelmaPrice	ADDRESS Above
						PRINTED No	PHOTO No
						INVEST. OFF.	

REMARKS

Subject denies stealing -- says he only borrowed it.
Cited to Probation Department.

RELATED FILE NUMBERS

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED Citation	BROUGHT IN BY Citation	NO. TIMES PREV. DETAINED
RELIGION Luth.	MED/DENTAL PROBLEMS (EXPLAIN) none	
FATHER FIGURE None	ADDRESS	PHONE
MOTHER FIGURE Mother	ADDRESS above	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER	STEPMOTHER	
NO. OF SIBLINGS M ( ) F ( )	1 married	

REMARKS

Reprimand
Case closed.

Offense No.
Juv. Bur. No.
Juv. Hall No. 5307
Prob. Off. No. 179/0

JUVENILE PROCESSING REPORT
Osborne City - Howard County

RECORDS

FIELD SECTION

NAME (Last) Price	(First) William	(Middle) Carl	Sex M	Age 14	Race W	Offense

NO. PICKUP 3	LOC. OFFENSE SP Yard	LOC. PICKUP SP Yard	RESIST No	WPN No	HBD

COMPLAINANT	ADDRESS	PHONE
WITNESSES	ADDRESSES	PHONES

DETAILS OF PICKUP

Patrol observed 3 boys on railroad property -- hand breaking glass -- saw them run and apprehended admitted breaking RR signal.

	Date	Time
Pickup	8/20/60	8:20 pm
Juv. Bur.	8/20/60	8:30 pm
Parents Not.	8/20/60	8:50 pm
Release	8/20/60	9:30 pm
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS
I.R. Davidson
TRANSPORTING OFFICERS
I.R. Davidson

JUVENILE BUREAU SECTION

NICKNAMES Sonny	DATE OF BIRTH 4/11/46	STATE Calif.	HT. 5'	WT. 114	EYES Brn	HAIR Brn	COMPL. Med.	MARKS, SCARS, TATTOOS None

SCHOOL O'Neill	GRADE Jr. 8	REPORT C ave.	WELFARE No	LIVING WITH (ADULT) Thelma Price	ADDRESS 29A Pine St.	PHONE ---	RELATION Mother

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE
James Watt	N	14	M	17 Lime	----
Chris Gorman	N	14	M	27 Beach	----

NAT. FATHER Wm.C.Price	ADDRESS Unknown
NAT. MOTHER ThelmaPrice	ADDRESS Above

PRINTED No	PHOTO No	INVEST. OFF. I.R. Davidson

REMARKS Boys admitted malicious mischief -- Sassy	RELATED FILE NUMBERS J5038-9

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED Citation	BROUGHT IN BY Citation	NO. TIMES PREV. DETAINED None

RELIGION Luth.	MED/DENTAL PROBLEMS (EXPLAIN) None

FATHER FIGURE None	ADDRESS	PHONE
MOTHER FIGURE Mother	ADDRESS Above	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER	STEPMOTHER	

NO. OF SIBLINGS
M ( ) F ( ) 1 married

REMARKS

Boy admits -- seems sorry. Mother thinks she can handle him with a little help -- will.
Six months informal probation.

JUVENILE CONTACT REP
Osborne City Police Depa

RECORDS

~~CITATION~~
~~NOTICE TO APPEAR~~
~~TRAFFIC CITATION~~

☐ ~~Del. to Juv. Div.~~
Juv. ~~Hall/OR & R~~

☐ ~~Station~~
Interrogation
☑ Field

NAME W illiam Carl Price
ADDRESS 29A Pine Street
PHONE

DATE OF BIRTH	STATE	SEX	RACE	AGE	HEIGHT	WEIGHT	EYES	HAIR	COMPL
4-11-46	Cal	M	W	16	5'4"	120	Bro	Bro	Med.

DRESS, SCARS, ETC.

SCHOOL	GRADE	DATE OF CONTACT	TIME	PLACE OF CONTACT	CODE SECTION
Rivult HS	10	11/21/67	9:50P	Milton Sq.	OME 107

REASON FOR CONTACT Loitering

REFERENCE NUMBERS (FILES)
J 4971
J 5307

DETAILS OF CONTACT Patrol asked where he was going - would not say at first - warned

NAME OF ARRESTING OFFICERS (OR CITIZENS) K B. Fee J. J. Gould

BADGE NUMBERS (OR ADDRESSES) 139 & 206

INSTRUCTIONS TO PARENTS OR GUARDIANS: You are hereby notified that the above named minor was involved in the stated offense and is released to you pursuant to Section 26 of the Welfare and Institutions Code upon your promise to bring said minor before the probation officer of Howard County at the County Probation Offices, 1790 Jefferson Street, Osborne City at ______________pm/am on ____________________

I promise to appear and to bring the above named minor as directed. I understand that any wilful failure to perform as promised constitutes a misdemeanor and is punishable under the provisions of Section 513 of the Welfare and Institutions Code.

BRING THIS FORM
TO THE HEARING

Signed ____________________Parent

Signed ____________________Minor

Offense No.
Juv. Bur. No 8339
Juv. Hall No.
Prob. Off. No.

JUVENILE PROCESSING REPORT
Osborne City - Howard County

RECORDS

FIELD SECTION

NAME (Last)	(First)	(Middle)	Sex	Age	Race	Offense
Price	William	Carl	M	17	W	ABC

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
1	Arboles Park	Arboles Park	No	No	No

COMPLAINANT	ADDRESS	PHONE

WITNESSES	ADDRESSES	PHONES
R. M. Brooks	#220	
E. A. Benson	#216	

DETAILS OF PICKUP

Park patrol saw suspect hiding something in bushes-investigated and found unopened beer can. Suspect uncooperative

	Date	Time
Pickup	5/30/63	8 pm
Juv. Bur.	5/30/63	8:30
Parents Not.	5/30/63	8:40
Release	5/30/63	9
Juv. Hall		
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

Reprimand

PICKUP OFFICERS
Brooks
TRANSPORTING OFFICERS
Brooks

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL.	MARKS, SCARS, TATTOOS
Sonny	4/11/46	Calif.	5'6"	135	Br	Br	Med	None

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH (ADULT)	ADDRESS	PHONE	RELATION
Rivault	Soph	C ave	No	Thelma Price	29A Pine	--	Mother

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE

NAT. FATHER	ADDRESS
Wm.C.Price	Unknown
NAT. MOTHER	ADDRESS
ThelmaPrice	Above

PRINTED	PHOTO	INVEST. OFF.
No	No	K.A. Pife

REMARKS

Subject admits possession of alcohol - Lad already drunk 2 beers -- just for kicks.

RELATED FILE NUMBERS

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED

RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)

FATHER FIGURE	ADDRESS	PHONE
MOTHER FIGURE	ADDRESS	PHONE
CUSTODIAN (IF OTHER)	ADDRESS	PHONE
STEPFATHER	STEPMOTHER	

REMARKS

Police reprimand and release

NO. OF SIBLINGS
M ( ) F ( )

Offense No. 102011
Juv. Bur. No. ~~15023~~
Juv. Hall No. ______
Prob. Off. No. ______

JUVENILE PROCESSING REPORT
Osborne City - Howard County

ACTION

FIELD SECTION

NAME (Last)	(First)	(Middle)	Sex	Age	Race	Offense
Price	William	Carl	M	17	W	Att. rape

NO. PICKUP	LOC. OFFENSE	LOC. PICKUP	RESIST	WPN	HBD
1	LosArbolesPark	sev.blks.home from	No	No	

COMPLAINANT	ADDRESS	PHONE
Mrs. Florence Parker	629 Mark Twain	CL9-5437

WITNESSES	ADDRESSES	PHONES
Steven Bell	1803 Salop	N/K
Diane Compton	515 Crane Ave.	CL3-0673

DETAILS OF PICKUP
Call from Mrs. Parker at 11:23 concerning "sex attack" on her daughter, Karen. Named William Price as "attacker." Contacted William at home about 1:00 AM. Denies knowledge of incident and ran from juvenile officers. Apprehended by patrolman at 1:43 AM several blocks from home. No resistance.

	Date	Time
Pickup	9/21/63	1:43 am
Juv. Bur.	9/21/63	1:50
Parents Not.	9/21/63	1:43
Release		
Juv. Hall	9/21/63	3:45
Parents Not.		
Petition		
Det. Hearing		
Release		
Hearing		

PICKUP OFFICERS N.D. Warren
TRANSPORTING OFFICERS N.D. Warren

JUVENILE BUREAU SECTION

NICKNAMES	DATE OF BIRTH	STATE	HT.	WT.	EYES	HAIR	COMPL.	MARKS, SCARS, TATTOOS
Sonny	4/11/46	Calif.	5'6"	135	Br	Br	Med	None

SCHOOL	GRADE	REPORT	WELFARE	LIVING WITH (ADULT)	ADDRESS	PHONE	RELATION
Rivault	Jr.	C ave.	No	Thelma Price	29A Pine		Mother

ASSOCIATE	RACE	AGE	SEX	ADDRESS	PHONE

NAT. FATHER	ADDRESS
Wm. Price	Unknown

NAT. MOTHER	ADDRESS
Thelma Price	Above

PRINTED	PHOTO	INVEST. OFF.
No	No	Fowler

REMARKS William seems to be very upset about the incident. Cooperative

RELATED FILE NUMBERS J4971;J5307;J8339

PROBATION OFFICE/JUV. HALL -- INTAKE SECTION

REASON ADMITTED	BROUGHT IN BY	NO. TIMES PREV. DETAINED
Danger to others	Fowler	Two

RELIGION	MED/DENTAL PROBLEMS (EXPLAIN)
Luth	none

FATHER FIGURE	ADDRESS	PHONE
None		

MOTHER FIGURE	ADDRESS	PHONE
Mother	above	

CUSTODIAN (IF OTHER)	ADDRESS	PHONE

STEPFATHER	STEPMOTHER

NO. OF SIBLINGS 1 married
M ( ) F ( )

REMARKS

"We sure can't leave him until morning. It seems pretty obvious that his mother can't control him."

"Yes, pick him up and have him make a statement if you can, then deliver him to Juvenile Hall. We'll make a more complete inquiry when the girl and her mother have calmed down."

* * * * *

DISCUSSION

In sex cases, the officer must contend with his and others' overwrought emotions.

The call was taken by the switchboard officer who radioed the complaint to patrol division. Patrol investigated immediately, found that juveniles were involved, and called the juvenile bureau for advice.

The victim identified William Price as her assailant. She admitted leading Price on and therefore she was a willing victim to some extent. However, the crime itself, the insistence of the victim's mother, and the suspect's past record indicated that action had to be taken immediately.

The juvenile bureau has small discretion about the disposition of cases like this one. However, the follow-up should be very thorough, and a policewoman can be very helpful since girls are involved. For both the complainant and victim, such an experience can be very upsetting. Care and understanding should be exercised during the investigation and those involved should be given time to calm down and collect their thoughts; the officers, on their part, must be careful to view the whole matter dispassionately. In this case, it was not an innocent maiden who was lured into the shack in the park at 11:00 P.M. Why was she there? Parents must realize the danger of allowing their daughters to wander in lonely areas late at night.

Note that William Price has no father. Wilkins, in a study of children born in England during and just before the war, discovered that fatherless children were responsible for a disproportionately high amount of crime. Hitherto, the absence of the mother has been blamed for much delinquency. But the father too has an equally important role to play in the modern family.

* * * * *

Second Setting

The Probation Office, the next day; discussion of pending cases.

Characters

Herb Brownlow	Supervising P.O.
Fred Clarke	Probation Officer
Karen Parker	Victim
William Price	Juvenile Offender
Steven Bell	Juvenile Offender
Diane Compton	Juvenile Offender

Four-thirty. Nothing but the clock kept Herb Brownlow in the office. He thought about rushing out in an absent-minded hurry as if he were doing something very important and he wondered who would guess he was just going home early if he did that. He wondered whether the Bay would be calm enough for trolling in Raccoon Straits. "Better stop at the store and get some more weights."

"Hello in there."

"H'm? Oh, hi, Fred. Come on in."

"Busy?"

"No, just finishing up. What are you up to?"

"I thought you'd want to see this Price case. I talked to you about it Monday. It's turning into a can of worms.

"What happened?"

"Well, first of all the police called. The two witnesses, Steven Bell and Diane Compton, corroborate Price's story that they had intercourse that night. The police have cited Bell for statutory rape, and the Compton girl has a Notice to Appear on a 601. I talked to Bell on Wednesday, I guess it was. He couldn't add much. He and the girl left before the incident, but he thought that Karen Parker wasn't going to give Price any trouble about it, the way she was acting. Anyway, I'm going to file a stat rape on Bell. His case will come up with Price's."

"What did what's her name have to say? Bell's girl?"

"Liz Maddox and I talked to her. She's in'danger of leading a lewd and immoral life,' all right. She remembers about a dozen affairs with different boys . Almost married one, a sailor, but they found out she wasn't pregnant and called it off. She says the Parker girl was hot for it. They'd talked about it on the bus. Liz'll surely file a 601 on her."

"What does Karen Parker have to say to all this?"

"I called to ask her, did she fall or was she pushed, but her father said that his wife and daughter had gone out of town 'to forget this dreadful thing,' as he put it. I chewed him out, and told him about the obligation of complaint."

"With austere dignity, I hope."

"I was fittingly grave. So first thing yesterday morning Mrs. Parker towed the girl in, Liz and I interviewed her, and she changed her mind about the whole thing. Said she didn't know whether Price exposed his penis, and wasn't sure whether he knocked her down or they fell, and she said he certainly didn't take her panties off. That was more like his story, but Liz arranged for a medical just to be sure. The mother had to be persuaded, spoke loudly of her daughter's virgin blushes, but the girl didn't object at all, and that's in her favor."

"Are you filing an amendment to the petition?"

"Yes, I don't think there's evidence to warrant anything more serious than alleged battery. Lt. O'Leary in Juvenile agrees on that. Here's Price's report and his statement. The clinic came through in a hurry with a psychological report, too."

Statement of William Price given in the Osborne City Police Department to Juvenile Bureau Officers, 2:00 A.M. Sept. 21, 1963.

I was with a friend, Steven Bell, on the Sedgwick Ave. bus about 10PM Sept. 20, 1963. We were going downtown. We ~~s~~ saw these two girls, Sandy Compton and another girl. I'm not sure of her name. They smiled at us on the bus, I think they were looking for some action.

They got off at Hill Blvd. and so did we. We walked into the Park and started talking to them. They were real friendly. We went into a snack-bar where they sell hot dogs and stuff, and I started making out with the shorter girl, not Sandy - Steve was making out with Sandy.

Then a little while later Sandy and

W.C.P.

(Second page of William Price statement, 9/21/63)

Steve laid down on the floor. I'm pretty sure Steve got her while they were down there. Then they walked out. I was getting pretty excited and the girl wasn't fighting it either. I told her "lets lay down." Then she started acting all scared, I think she was kind of crying, but I'm not sure I did grab her arms, I guess I wanted her to lay down. I can't remember so well now I know we both fell down. I did not mean to hurt her.

Question: Did you expose your private parts at any time?

Answer: No, I did not. If she said that she's a liar,

Question: Did you attempt to have intercourse with her?

Answer: No, I guess I would have if she wanted to but she didn't want to.

Question: Did you remove any of her clothing?

Answer: No, I started to undo her blouse and that's when she began to struggle.

Question: Did you remove her pants?

Answer: No, I was too scared.

This is a true statement and given voluntarily by me.

2:00 A.M. Sept, 21, 1963

William C Price

CONCERNING: WILLIAM CARL PRICE, JR., born April 11, 1946 in
San Diego, California (age 17 years, 5 months)
Father: WILLIAM CARL PRICE, whereabouts unknown
Mother: THELMA PRICE, 29A Pine Street,
Osborne City, California

William resides with his mother who has legal custody. He was taken into custody and placed in Juvenile Hall on September 21, 1963, ordered detained at the Detention Hearing on September 23, 1963 and then released by Court order on September 27, 1963.

REASON FOR HEARING:

Amended petition alleges battery upon the person of Karen Parker O/A September 20, 1963.

FACTS CONCERNING ALLEGATION:

At 11:23 p.m. on Friday, September 20, 1963, Osborne City police received a telephone report from Mrs. Florence Parker concerning what she termed "a sex attack" on her daughter, Karen Parker (15). Patrolman N.D. Warren responded and went to the Parker house where he obtained the original offense report from the victim. Her initial account of the incident (including a statement that her assailant had exposed his penis, knocked her down, and taken off her panties) led to the crime report classification of "attempted forcible rape." (It was reclassified to battery on September 23, 1963). She named William Price as the offender. Juvenile officers were summoned and carried out the investigation.

Investigation by the police and probation departments reveals the following concerning the incident:

At approximately 10 p.m. on September 20, 1963, Karen Parker and Diane Compton (16) got off a bus at Washington and Hill Blvd., intending to go to the Parker girl's home. Following them from the bus were William C. Price, Jr., and Steven Bell (17). (Steven and Diane were acquainted, but William did not know either of the girls.) At Diane's suggestion the girls crossed the street, in a direction opposite from their destination, and entered Los Arboles Park. The boys overtook them, engaged them in friendly conversation, and began walking with them.

In the vicinity of the park bandstand the four paired off, William with Karen and Steven with Diane. By mutual agreement they entered an unlocked concession stand storeroom and began petting, which soon became "heavy." Steven and Diane spread cardboard on the floor and ultimately (with Diane's consent) engaged in an act of intercourse, still in the presence of the other couple. After completing the act they left, leaving William and Karen inside.

William then attempted to induce Karen to lie down with him on the cardboard. When she refused, William grabbed her by the upper arms and they both fell to the floor with William more or less on top of Karen. She began to scream and resist him. It is not clear whether William continued his advances after this point.

Steven and Diane, hearing the commotion, returned to the door and saw William running away from the scene. They both helped Karen to her feet. She ran most of the four blocks home, Diane accompanied her but did not remain to talk with Karen's parents. The boys had gone to their respective homes by separate routes.

William was contacted at his home, by Juvenile officers at approximately 1:00 a.m., September 21, 1963. He denied knowledge of the incident and ran from them when they told him he was being taken into custody. He was apprehended by a patrolman at 1:43 a.m. as he walked from an alley several blocks away. There was no resistance at that time.

After being taken to the Osborne City Police Department for processing, William gave officers a written statement in which he admitted "pulling on" the girl's arms, but he denied any intent to rape her. He was delivered to Juvenile Hall at 3:45 a.m. on September 21, 1963 and booked for investigation of attempted rape. A petition alleging that offense was filed on September 23, 1963 but it was amended to battery on the same day.

Medical examination of the victim showed that intercourse had not occurred. The only injuries noted were bruises on both upper arms.

VICTIM'S STATEMENT:

Karen Parker (subpoenaed) will testify that she met William for the first time on September 20, 1963 and that she went with him into the storeroom. She states that she was willing to "make out" with him but she claims that he tore open her blouse and attempted to force her to the floor, thereby hurting her arms.

She states that she is "not sure" what William was trying to do or whether he exposed his penis. She will testify that he did not remove her panties as she originally reported to police.

STATEMENT OF WITNESSES:

Steven Bell and Diane Compton will be available (their cases are calendared on the same day) to testify that they did not observe Karen resist William in any way while they were inside the storeroom with them. They will also describe their observations after hearing Karen's screams.

MINOR'S STATEMENT:

William admits the alleged battery.

He states that Steven told him (while on the bus) that Diane was "an easy lay" and that her girl friend probably was too. He claims that they followed the girls "to see if there would be any action."

As to what happened inside the storeroom, William says that he and Karen "made out for awhile" and he also says that he knew Steven and Diane were engaging in intercourse (although it was dark inside). He admits suggesting to Karen that he and she lie down on the cardboard. When she refused, he relates, he "got excited" and grabbed her arms, squeezed them as he pulled on her, and then lost his balance, causing them both to fall. He denies tearing her blouse or attempting any sexual advances after they fell. He explains his running from the scene and from police by stating that he was "really scared" by Karen's screams.

RECOMMENDATION RE: FINDING:

It is respectfully recommended that the allegations of the amended petition be found true.

PREVIOUS HISTORY:

Probation Department:

February 11, 1960	Citation Hearing Bicycle Theft	Reprimand case closed
August 20, 1960	Citation Hearing Malicious mischief (breaking railroad signal light)	6 months informal probation

Osborne City Police Department:

November 21, 1962	Field Interrogation 9:50 P.M. (In group loitering near Drive Inn)	No action
May 30, 1963	Possession of beer	Reprimand Release to mother

FAMILY:

William is the second of two children born to parents who were married in Las Vegas, Nevada, on April 21, 1942. The older child, a girl, is married and has been out of the home for almost 3 years. The father was living in Phoenix, Arizona, in 1961, but the mother and boy have had no contact with him since then and do not know where he is now.

The marriage was the first for the father who was in the Navy when it took place. Mrs. Price married for the first time at 16, but that marriage was annulled several months later. She is frank in discussing the fact that both her marriages were precipitated by pregnancy (the first was interrupted); she was four months pregnant when she married William's father. From all indications, the union was never a stable one in any respect. During the early years, the father was on sea duty and separated from his family.

After his discharge (1945) and the birth of William, the family existed as an intact unit for only a few months. The mother says that the father began "drinking and drifting" and that they were separated most of the time in the ensuing years. The father came home from time to time, but his visits were seldom pleasant occasions. The final separation was in 1956 after the father, in the children's presence, accused the mother of bringing other men into the house and beat her with a beer bottle. (William telephoned police.) The father was sentenced to 30 days in the county jail for battery; he never returned to the family after his release. The mother has no plans for divorce. She states that she would sue for divorce only if she wanted to remarry; she hastens to add there are no prospects for this.

Mrs. Price has been employed intermittently during the past few years. She received welfare benefits after the father left home but these have been discontinued. She claims she has always arranged for a neighbor to "look in on" William while she worked. This continued to be the case until William's present referral. She has been working the swing shift at a local glass company, but she says that her supervisor has arranged to change her to a day shift so that she can give William better supervision.

The home, a 3-1/2 room apartment, is minimally adequate. The mother uses the only bedroom and William sleeps on a day bed in the living room. The neighborhood is mixed residential and business in an area with a moderate delinquency rate.

The mother describes William's home behavior and attitude as "normal." She concedes that "he is getting pretty independent."

Several times in recent months she discovered that he left the house after she went to bed (after midnight). On one occasion, he came home under the influence of alcohol. She also complains that William doesn't talk to her as much as he used to; she knows little about his friends or his pastimes.

Mrs. Price has been cooperative during the present investigation. She seems to possess average intelligence and she also appears motivated to gain insight into William's behavior and emotional needs. She promised to cooperate in any disposition made by the Court.

MINOR:

William has shown anxiety about the pending court action as well as the entire situation. He has stated: "people will think I'm a sex fiend or something." The incident seems to have had a strong emotional effect on him. The boy has been responsive and generally cooperative (after the initial attempt at evading arrest). His appearance is pleasant and his physical and mental development are apparently normal. He has no significant medical history; the only childhood diseases were mumps and chicken pox. He is now in good physical health. No mental health agency contacts are reported.

Most of William's time is spent "just wandering around" the neighborhood or in the homes of friends talking and listening to records. He does not belong to any formal groups; although nominally a Protestant, he does not attend church on a regular basis. His interest in athletics is low; he was on the school basketball team in junior high, but he now shows little interest in any sport. He has not formed any plans concerning an occupational goal.

William claims that he is "going with" a 15-year-old girl who attends the same school. Their dates are usually confined to weekend movies (he meets her at the theater) and occasional school dances. He denies any sexual misconduct with her and he is anxious that she not learn of his present predicament. When questioned about his sexual knowledge and experience, he disclaims any sex relations whatsoever in the past, but he acknowledges occasional solitary masturbation. He states that he has had no formal sex education although his mother once gave him a book on the subject and told him to come to her with any questions.

SCHOOL REPORT:

Rivault High School 11th Grade
(no report yet available for the current term)

Final grades for Spring 1963 semester:

Scholarship: 4 C's, 2 D's

Citizenship: Average (one 5-day suspension for smoking)

Attendance: Fair (4 truancies, 5 period cuts)

I. Q.: 93 (S-B, 1961)

JUVENILE HALL OBSERVATION:

William was not a disciplinary problem during the several days in detention. He was assigned to kitchen duty and performed well.

Although he participated in group recreation if called upon, he preferred to remain to himself, reading magazines and comic books. No unusual and/or unacceptable behavior was noted. He demonstrated a positive attitude toward the staff.

EVALUATION:

The primary focus of concern in this case is the aggressive nature of the alleged offense and its implications for William's future social adjustment. The offense itself was the result of an "emotionally charged" situation intensified by the behavior of the victim and the other couple. William appears to understand that the contributory actions of the others do not relieve him of his own responsibility; he has not tried to project it on the others.

William is not habitually physically aggressive and he does not represent a real threat to others on the basis of this one incident. He has no prior history of violent behavior despite his witnessing frequent exhibitions of violence by his father against his mother. In fact, he seems to be experiencing a great deal of anxiety because he sees in himself the same type of behavior which makes him think of his father as "a bum."

Thus it is not believed that placement of the boy outside the home or community is indicated. He appears to have the potential for responding to a plan of probation. This plan would provide a stable male authority figure to set and enforce behavioral limits and give him the emotional support and counsel which he definitely needs.

RECOMMENDATION FOR DISPOSITION:

It is respectfully recommended that William C. Price, Junior, be declared a ward of the Court and placed under the care and supervision of the probation officer and reside in his mother's home.

SUMMARY OF PSYCHODIAGNOSTIC EVALUATION

William Price, Jr.
B.D. April 11, 1946
C.A. 17 yrs., 6 months

Clinic: #1406 M
Deputy
D.P.O. #

Reason for Referral: William was referred by the investigating D.P.O. after the boy was arrested for attempted rape of a 15-year-old in an unoccupied shack in a local park. Circumstances of the offense are such that there is some doubt whether this is a bona fide attempted rape or a less severe type of physical attack. The girl was bruised and "emotionally shaken" by the episode.

The deputy poses questions concerning his level of intellectual functioning, indications of emotional disorder, whether psychological findings indicate that William is a probable aggressive threat, and whether return to the home is a realistic solution.

Procedures: William was seen for clinical interviews and psychological testing on September 24 and 25, 1963. The California Psychological Inventory, the Rotter Incomplete Sentences, the Rosenzweig Picture Frustration Study, the MMPI, and several subtests of the Wechsler Adult Intelligence Scale, were administered. In addition, the deputy was consulted concerning background material, and William's mother was interviewed.

Summary of Clinical Findings: William is a fairly handsome, athletically built boy of 17 who makes a good first impression because of his cooperative manner and verbal ability. Although denying the specific intent of rape in his physical attack on the girl, he admits some use of force and does not try to place the blame elsewhere. He expresses fairly realistic observations about the effect the girl's charges will have upon him when he returns to the community. He displayed no evidence of any real inability to control his behavior during interviews and tests.

Psychological and intelligence tests lead to conclusions that are generally encouraging. On the brief intelligence measure administered, William functioned capably and effectively. He is an alert boy, probably capable of functioning in the Bright Normal range intellectually despite his low average grades in school and a school administered test resulting in a lower "I.Q." score. He can function above his grade level in terms of his conceptual and observational skills. William was comfortable about what he did not know and he was not defensive about his intelligence. His record did not indicate any bizarre or peculiar ideation.

Psychological test results clearly reflect conflict and unrest over the appropriate passive-aggressive components of a healthy male-female relationship. (This relates to an intermittently chaotic family environment during important formative years when he witnessed beatings of his mother by his father.) William is presently dealing with his internal conflicts in a manner that could conceivably lead to further aggressiveness toward females, but his overall freedom from emotional disorder suggests that he could as easily avoid this pattern. His mother's system of values and the manner of her interaction with the boy probably have contributed to his problems, but their overall effect has been more positive than otherwise. The mother has encouraged independence, employment, and socially approved means of dealing with psychological distress. She has also conveyed the less wholesome values of too early freedom and manipulative social naivete.

Implications: Psychological findings do not reveal severely aggressive or hostile impulses and thus William cannot be described as a threat to the community. These findings also indicate that a supervision program should be more supportive than authoritarian. There is nothing to suggest that William will be unable to respond to supervision in his own home.

Sigmund Jung, M.S.
Clinical Psychologist

"You really think probation is going to be enough for this boy, Fred?"

"Yes, I don't see how placement could help him. He's scared now, and I think his mother can cope with him with our help.

"What's that other report, the stat rape?"

"That's what the law calls it, I guess. I feel kind of sorry for Bell. We could have forgotten all about it. Just another girl raped in the park, if it hadn't been tied up with this assault."

CONCERNING: STEVEN ROBERT BELL, Born in Osborne City on June 19, 1946 (age 17 years, 3 months)

Father: Percy Bell, 1803 Salop, Osborne City (cited)

Mother: Margaret Bell, same address (cited)

Residence with parents who retain legal custody.

Steven has not been detained in Juvenile Hall.

REASON FOR HEARING:

Petition alleges statutory rape of Diane Compton (16), on or about September 20, 1963.

FACTS:

On September 23, 1963, Steven Bell was issued a Notice to Appear by the Osborne City Police Department for statutory rape of Diane Compton, after he admitted engaging in an act of intercourse with her by mutual consent on the night of September 20, 1963. The offense came to light through the Police Department's investigation of an attempted forcible rape case (later changed to battery) involving William Price, Jr. (17) and Karen Parker (15, victim).

Both incidents occurred in a vacant, unlocked storeroom in the Park shortly after 10 p.m. on September 20. All four of the youths entered the room and petting and other sex play ensued, culminating in Steven and Diane engaging in intercourse on the floor. The other couple was present in the darkened room when the sex act took place. No contraceptive device was used. The girl has been examined by a doctor and found not to be pregnant.

After Steven and Diane left the room, the battery incident took place. William Price has been referred to Court for that offense, and Diane Compton has also been referred (waywardness and immorality).

BOY'S STATEMENT:

Steven readily admits the allegations of the petition. He states that he followed the girl into the park because he knew of her reputation ("an easy lay") from other boys. He reports that she actually encouraged his advances which led to the completion of the act.

The boy states that he knew what he was doing "was wrong," but he also claims he was not aware it was against the law, although he knew Diane was under 18. He categorically denies any other such incidents.

PREVIOUS HISTORY:

Probation Department Traffic Unit:

February 26, 1963	Speeding (motor scooter) 42 mph in 25 mile zone	Finding Traffic School Case closed.

Osborne City Police Department:

June 20, 1963	Possession of beer (with group at beach party)	Reprimand Released to parents.

THE FAMILY:

Steven lives with both parents and three siblings in a three-bedroom house which the parents are buying. There is also a small living area (converted garage) which is shared as a bedroom by Steven and his 19-year-old brother, a student at City College.

The parents were married in 1942, and the marriage, the first for both, has remained intact with no separations or serious marital disorder reported. The father is an accountant for a local retail auto dealer. The neighborhood is residential and housekeeping standards are very good; in short, the physical resources of the home are quite adequate.

Interpersonal relationships are apparently no cause for concern within the family. Steven gets along well with his siblings, although there is considerable bickering between him and his 16-year-old sister. This is within the normal range, however.

The father says that his job is tedious and requires much overtime. He thereby explains that he has left matters of discipline and child management primarily to the mother. She feels capable of handling these responsibilities. Mr. Bell verbalizes the intention of "getting closer to" (his expression) the children because of recent developments.

Steven is described by his parents as a typical teenager who is asserting independence by occasionally "bending" his weekend time deadline of 11 p.m. They punish him for this by not allowing him to use his motor scooter. They also exhibit a modicum of insight into his behavior and attitude (generally good) at home. They are at a loss to explain his present involvement; their embarrassment is quite obvious.

THE MINOR:

Steven is a physically well formed youth without any particular distinguishing marks or characteristics. No surface indications of emotional disorder were inferred from his attitude and responses during interviews. He is a personable boy although his manner is perhaps too ingratiating.

He expresses general regret about his present situation, although he makes little attempt to disguise his feelings about the girl. In his words, "she isn't much." Steven disclaims any previous experiences of intercourse or other sexual behavior. Although he occasionally dates (movies, school dances, etc.), he is not going steady.

Steven's only group membership is in "The Sundowners," a local motor scooter group. He learned about Diane's reputation from the boys in this group.

He is looking forward to attending The Marine Stewards' Union training school for apprentices upon completion of high school. Arrangements for this are being made by an uncle who is a union official. Completion of this course would result in full-time employment aboard a merchant vessel.

SCHOOL REPORT:

Rivault High School, 12th grade (grades are for April, 1963 semester)

Scholarship: 1 B, 3 C's, 2 D's

Citizenship: Satisfactory

Attendance: Regular

I.Q. 111 (Kuhlman Anderson, 1960)

EVALUATION:

There is no question that Steven's involvement in the alleged statutory rape was by design: he was out to try what is not only pleasurable per se, but also of status value in his group. The marginal values of his reference group (the scooter club) are evidenced by frequent referrals of group members to this department and to the Court. The parents were not aware of his membership, and they have taken concrete steps to terminate his participation in the group by selling the motor scooter. Steven promises to stay away from the group in the future.

There are positive factors in this case which preclude the necessity of wardship and an indefinite probation period. First among these is the constructive plan for vocational training upon completion of high school. Steven's trivial prior history is another factor; a pattern of delinquency is not present. The third factor is his family's awareness of the boy's situation.

RECOMMENDATION FOR DISPOSITION:

It is respectfully recommended that Steven Robert Bell be placed on probation for a period of six months without being adjudged a Ward of the Court.

"When's the hearing, Monday?"

"Yes, I thought you'd want to see this before the weekend."

"Thanks, Fred. So we have William Price, amended petition for battery, you're recommending wardship and probation for six months. Steven Bell, six months' probation without wardship. And you said Liz was filing on Diane Compton."

"Yeah. Mrs. Parker won't like it, but that's too bad. Where you off to, Herb? Knocking off early?"

"No I have an appointment uptown. Have a good weekend, Fred."

"You too, Herb."

DISCUSSION

This case is complex because it changed in important ways after it reached the probation department. The police received a complaint about the attempted rape of Karen Parker who identified William Price as her assailant. Later, the two witnesses said that just prior to the alleged attempted rape they had engaged in an act of intercourse in the shack while the other two were present. Since Diane Compton was under 18, a statutory rape charge was filed on Steven Bell, and a petition for waywardness was filed on the girl because she admitted acts of intercourse with several other boys. Furthermore, the probation officers began to wonder whether the attempted rape victim had been quite so thoroughly victimized as she said.

Mrs. Parker had taken her daughter out of town for a few days to soothe her nerves. When they returned, Karen made a statement which removed the grounds for a charge of attempted rape against William Price, but supported a charge of assault. The amended petition on William Price is an example of the complications common in such cases. Evidence and statements must be checked and rechecked when emotional reactions tend to obscure the facts and distort statements.

In Karen's case a medical examination was necessary to determine whether penetration had occurred or any physical damage had been caused. In Diane's case, the court needed to know whether she was pregnant or not, although in this instance, since the trial took place soon after the offense, it is doubtful whether a pregnancy resulting from it could have been determined.

Now let us look at William Price's case history. William admitted the alleged battery but denied that anything else took place. Because of the girl's statment, there was no reason to disbelieve him, and it was obvious that she gave him good cause to expect compliance with his wishes until the point was reached when she became frightened and broke away. However, his record of general minor antisocial behavior (theft, malicious mischief, loitering, possession of beer) and his school report showed that he needed supervision. The family situation also showed the need for a man's care or interest since the father was no longer with the family and the boy was beyond his mother's control. A probation officer might well be able to help her in this matter. As the boy was cooperative and genuinely worried about his actions, there was no reason to take him out of his home. What he needed was firm guidance within his home environment.

A statement made by the boy and a psychodiagnostic evaluation were attached to the court report. The statement described the sequence of events fairly well, and the questions and answers at the end were useful. This case should not have been referred to the clinic since the report says very little about the boy which was not already known at the time he was referred. However, it is standard policy in many places to refer sex cases and serious assault cases to psychiatric clinics. It is a wise policy for many problems may be discovered this way.

As for Steven Bell, he had a record, but not a serious one, and his family appeared capable of taking care of him. However, he had been hanging around with a motorscooter gang.

Motorscooter and motorcycle gangs, and the surf gangs of Southern California are the equivalents in western adolescent life of the permanent gangs of eastern and midwestern youngsters. These gangs cause a great deal of trouble and the rate of referral of their members is high. Might it not be a good idea to break away from the old idea of family casework and consider the usefulness of doing authoritarian casework with these groups?

Often assumptions are made that certain types of behavior occur only within certain groups. For a criticism reflecting on the basis for these assumptions, see pages 252- 259.

Statutory rape in this age group raises serious social questions, for it seems unjust that the courts should favor the consenting female. The girl in this case was considerably more experienced than the boy, and was freely available to members of his gang, if his statement is to be believed. Nevertheless, society says that the male must take the blame in such cases.

* * * * *

From James F. Short and F. Ivan Nye, Social Problems, Vol. 5, No. 3 (Winter 1957), pp. 207-212. Reprinted by permission.

INTRODUCTION

We have seen that dramatic transformations are occurring in the composition of our communities which have implications for delinquency. These changes are reflected in our official statistics. Though these statistics may be imperfect, they are the best we have at this point. Short and Nye suggest some cautions in using official statistics and indicate a way of getting a more realistic picture.

REPORTED BEHAVIOR AS A CRITERION OF DEVIANT BEHAVIOR

"The literature on social deviance is replete with caution and foreboding on the subject of official statistics. We are warned that such problems cannot be measured in terms of dollars and cents, that reporting systems are only recently and imperfectly developed, and that varying referral practices and jurisdictional procedures distort the accuracy of data for index purposes. Yet most research proceeds to utilize official statistics without regard for these cautions, perhaps because of the apparent lack of alternatives. . . .

. . . The alternative to the present confusion in measurement of social deviation which we suggest is the utilization of data on reported behavior. That is, we suggest going *directly* to the segments of the population in which the researcher is interested and studying such groups by asking questions relative to the behavior under consideration. This can be done by systematic sampling techniques . . . or by studying entire groups . . . .

"Certain theoretical and immediately practical advantages to this type of study are apparent. In the study of juvenile delinquency, for example, the extent and nature of various types of delinquent conduct and its variability can be investigated. This, in contrast to the usual procedure of assuming that a group of noninstitutionalized children are "delinquent," and comparing them with a group of noninstitutionalized children who are defined as "nondelinquent." Further, such investigation *can* be made in all *segments* of the population rather than in the socioeconomically biased institutionalized or officially apprehended group. For purposes of etiological inquiry, such data have the advantage that they can recognize the existence of *institutionalization* and in fact study its influence as an etiological process. That is, a frequent criticism of past studies has been that some of the processes studied, e.g., emotional instability, strained family relations, and school maladjustment, may *result from* institutional experiences, or the *fact* of institutionalization, rather than being a cause of the delinquency being studied. Such confusion of cause and effect relationships is not entirely eliminated by the use of data on reported behavior, but the technique allows greater control over the variables by the investigator toward this end.

"Recent empirical investigations by the writers suggest a further weakness of official delinquency statistics, viz., that such data are uneven in their biases. For example, a comparison of the reported delinquent behavior of boys and girls in different socioeconomic categories finds few statistically significant differences in the incidence of such behavior. The traditional assumption of a higher incidence of delinquent behavior among members of the lower socioeconomic groups, based upon official statistics, is not substantiated.

". . . The unanswered problem with regard to official statistics, then, is: what areas and to what degree are such data biased? These are crucial questions in the search for generalization regarding the extent and nature of social deviance and its etiology.

"In addition to these problems, the comparability of official juvenile delinquency statistics from one jurisdiction to another suffers from a weakness inherent in the very concept of juvenile delinquency. This concept embodies a rehabilitative, clinical approach to the child which demands that each child be dealt with in a manner calculated to serve his best interests -- regardless of the legal classification of his behavior. This means that the way in which a child enters into the juvenile delinquency statistics, or whether he enters at all, will vary according to his personality, family and neighborhood relations, etc., -- and according to the philosophy, personnel, facilities, and skills available in each court. 'Perfectly comparable statistics necessarily imply identical handling of legal identical cases and therefore the negation of the juvenile court (and police) philosophy.' Thus, so long as statistics are tied to legal categories, as it appears they must be, this conflict in legal classification and court philosophy will continue to exist.

"Finally, the problem of rapport with respondents is likely to be less formidable with the general population than with institutionalized groups. The adolescent who has been branded as a "delinquent" by repeated arrests, probation, and institutionalization, may find it difficult fully and frankly to reveal feelings toward parents, siblings, teachers, and peers. He may rebel against revealing behavior or companionship which might conceivably be related to his deviant behavior. Because of these problems it seems likely that institutionalized delinquents will more often attempt to manipulate the interview situation.

. . .

"One final word -- it is not the suggestion of this paper that the study of deviant behavior by reported behavior replace the collection of official data. No other system of data collection seems practicable on a continuing basis. Much etiological research must remain in the manipulation of officially defined problems and statistics. Data on reported behavior can, however, serve to evaluate official data and suggest improvements in their collection . . . .

"We wish to urge the refinement of legal classifications of criminal behavior toward the goal of more behaviorally meaningful categories."

SUMMARY

Within each community we can ascertain whether delinquency has increased or decreased if we have kept adequate records over a long period of time. But these statistics should be interpreted with care. Interpretations should take into account a number of things: a disproportionate growth in the youth population relative to the community at large; an increase in police activity; increased sophistication of record keeping (more is being reported now); the shift in the definition of juvenile crime in State and local statutes; and varying administrative and community emphases at different times.

The authors suggest using reported behavior as a more precise criterion of delinquency. In their own studies they discovered that a disproportionate number of lower-income youth become part of official statistics despite the fact that delinquency is distributed evenly throughout the population.

The important point to be drawn from the article is that general alarm about the increase in "hooliganism" is not justified when we take a sober look at juvenile statistics. However, this does not deny the fact that more young people are coming to the attention of the police in our cities and coming more often.

Third Setting

Juvenile Court, the next day; a detention hearing.

Characters

The Judge	Juvenile Court
Herb Brownlow	Probation Officer
Thelma Price	William's Mother
William Price	Juvenile Offender
Karen Parker	Victim

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of

William Carl Price

Age 17 Birthdate 4/11/46

Address 29A Pine Street, Osborne City

No. Case V

PETITION
(Section 602)

I, the undersigned petitioner, say on information and belief:

(1) The person whose name, address, and age are shown in the above caption, is under 21 years of age and is/~~was~~ residing within Howard County.

(2) This person comes within the provisions of Section 602 of the Juvenile Court Law of the State of California, in that said person, on or about, September 20, 1963 in the County of Howard, State of California, did then and there by means of force and violence, wilfully and unlawfully attempt to accomplish an act of sexual intercourse with Karen Parker, a female person not his wife, thereby violating Section 261 (3) of the Penal Code of California;

(3) The names and residence addresses of parents and guardians of said person are:

Name	Relationship	Address
William Carl Price	Father	Whereabouts unknown
Thelma Price	Mother	29A Pine St., Osborne City

(4) The above named minor is/~~is not~~ detained in custody. Said minor was taken into custody September 21, 1963 at 1:43 AM Hearing as to further detention is set for 1:30 PM on September 23, 1963

THEREFORE, I request that this person be declared a ward of the Juvenile Court.

Dated September 23, 1963

Fred Clarke
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of

William Carl Price, Jr.

Age ..17..... Birthdate ..4/11/46...

Address ..29A Pine Street, Osborne City

No. .....Case V ....

AMENDMENT TO THE
PETITION
(Section 602)

I, the undersigned petitioner, say on information and belief:

(1) The person whose name, address, and age are shown in the above caption, is under 21 years of age and is/~~was~~ residing within Howard County.

(2) This person comes within the provisions of Section 602 of the Juvenile Court Law of the State of California, in that said person, on or about, **September 20, 1963** in the County of Howard, State of California, did then and there **wilfully and unlawfully use force and violence upon the person of Karen Parker, thereby violating Section 242 of the Penal Code of California;**

(3) The names and residence addresses of parents and guardians of said person are:

Name	Relationship	Address
William Carl Price	Father	Whereabouts unknown
Thelma Price	Mother	29A Pine St., Osborne City

(4) The above named minor is/xxxxxx detained in custody. ~~Said minor was taken into custody~~ xxxxxx at xxxxxxx . ~~Hearing as to further detention is set for~~ xxx xxxx on

THEREFORE, I request that this person be declared a ward of the Juvenile Court.

Dated .September 23, 1963...

...Fred Clark.........
(Petitioner)

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF HOWARD

IN SESSION AS A JUVENILE COURT

In the Matter of)
William Carl Price, Jr.)
.......17 years, 5 months........)
(Age Years)

Proceeding No. ..Case V

RECOMMENDATION FOR
ORDER OF DETENTION

The Probation Officer hereby recommends in connection with the ____________________ petition filed in the matter of the above named person that an order of detention of said person pending hearing be made by this Court for the following reason:

( ) Said minor has violated an order of the Juvenile Court.

( ) Said minor has escaped from a commitment of the Juvenile Court.

( ) It is a matter of immediate and urgent necessity for the protection of said minor that said minor be detained.

(x) It is a matter of immediate and urgent necessity for the protection of the person or property of another that said minor be detained.

(x) Said minor is likely to flee the jurisdiction of the Court.

The facts in justification of the recommendation for such holding order in this matter are as follows:

An Osborne City policeman responded to a call from Mrs. Florence Parker on September 20, 1963, at about 11:25 PM. Mrs. Parker claimed that her daughter, Karen, had been the victim of a "sex attack." William Price was named as the attacker. It was alleged that William forced Karen to the floor of an unlocked concession stand storeroom in the park and there attempted intercourse, tearing off part of her clothing. William was contacted at his home at approximately 1:00 AM on September 21, 1963, by Juvenile officers. He denied the attempted forcible rape and ran from the officers. He was apprehended by a patrolman about 45 minutes later and taken to Juvenile Hall at 3:45 AM on September 21, 1963.

William admits pulling on the girl's arm but denies any attempt to rape her.

The boy has had previous police contact concerning loitering and possession of beer. He has also had previous Probation Department contact in reference to a bicycle theft (February 1, 1960), case was closed with a reprimand; and for a malicious mischief offense (August 20, 1960) for which he was placed on 6 months informal probation.

DETENTION HEARING

The Judge wrinkled his forehead so that his eyebrows looked like small,bushy, inverted V's. He was staring at 17-year-old William Price and his mother.

"You were brought in, William, because it is claimed that you attempted to rape a 15-year-old girl, Karen Parker."

The boy fidgeted in his chair.

"These hearings in Juvenile Court are informal in nature," said the Judge. "They are for your benefit, because they enable us to better plan your future. You may have witnesses speak for you, if you wish. If you will give their names and addresses to the probation officer, he will see that they are brought into court during your hearing. You may also have an attorney, if you wish, but it is not necessary to have one. All we're going to decide today is whether or not we should keep you in Juvenile Hall until the date of your hearing. You and your mother have already been informed of when that will be, haven't you?"

William and his mother both nodded their heads.

"The petition that brings you before the court today is this paper I hold in my hand." The Judge held the petition up in the air. "It was prepared, signed, and filed this morning by the probation officer. It includes this report from the police juvenile bureau. Let's read this petition. I want you to listen very carefully so you can tell whether it is true or not."

William moved to the edge of his seat. The Judge began to read from the police report appended to the petition.

"'The complainant, Karen Parker, says that she and a girl friend had been walking in Los Arboles Park and that William Price and another boy induced them to enter a shack.' Is that true, William?"

"We went into the shack, that's true."

"We will enter your admission accordingly. Did you ask the girls to go in?"

"We all sort of agreed."

"Then you deny inducing the girls?"

"Right, man."

The Judge resumed reading. "'While in the shack William Price suddenly exposed his penis, knocked her to the floor, tore open her blouse, tore off her underpants, and . . . .'"

"The heck I did," said William angrily.

"Well, William this is what has been reported. I think we had better enter your denial and not go into this any further now."

"Will I be able to take Bill home?" said his mother.

"I'm afraid not, Mrs. Price. William has been accused of a very serious offense. During his time in Juvenile Hall we will get a better chance to know him and to decide on the best plan for his future."

The Judge signed the detention order and William was escorted out of the courtroom by the Bailiff.

Mrs. Price then got up. She slapped her gloves against her hand, and walked out.

"Herb," the Judge said, "the facts in these rape cases can be pretty tricky. You might alert the probation officer working on the case to be very careful in his investigation. The line between seduction and rape is a very thin one."

"I'll put Fred Clarke to work on the case. He's very thorough and I'm sure he'll keep digging 'til he gets at the truth."

"Well, if it turns out to be only a stat rape, see that the boy is not detained."

"Sure thing, Judge."

DISCUSSION

William was detained because of the nature of his offense and because he attempted to escape police apprehension. The experienced judge, however, was well aware of the peculiar facts which often surround "rape" cases and he also knew that William would be out on bail if he had been six months older.

Often detention hearings occur too early in the investigation process for a clear evaluation to be possible. The judge was aware of this and specifically instructed the probation officer to release the youngster under certain conditions. Judges almost always authorize release at the probation officer's discretion, and it is seldom that the probation officer will not willingly exercise wuch discretion. Yet in this case, where there was a vigorous complainant, the probation officer might have been reluctant to release even without the uncovering of new evidence. Such reluctance is often overcome when the judge lets it be known in court that a decision for release by the probation officer will be backed by court authority.

For a discussion of the recent development of the philosophy of the Juvenile Court, see pages 286-291.

If the same judge presides at both detention and adjudicaiton hearings, is it proper for him to intervene in the investigation process? Should he discuss the adjudicative facts ex parte? Should he allow his decision to be based on the probation officer's recommendation, assuming that he considers the probation officer competent?

Fourth Setting

Juvenile Court, two weeks later; the adjudication hearing.

Characters

The Judge	Juvenile Court
Fred Clarke	Probation Officer
Thelma Price	William's Mother
Mr. and Mrs. Percy Bell	Steven's Parents
William Price	Juvenile Offender
Steven Bell	Juvenile Offender

ADJUDICATION

William Price and his mother sat uneasily before the Judge. The allegations of the amended petition had been sustained on the basis of a full admission. The Judge was looking through the probation officer's report for information on which to base his disposition. His eye was drawn to the psychologist's report attached to the court report. The courtroom was silent, all eyes on the Judge.

In the report William was described as "fairly handsome" and "athletically built." The Judge glanced up and looked directly at the boy. William turned his eyes away. The Judge decided that the boy might be called handsome despite his "waterfall" haircut and a slight case of acne, but he was certainly not sufficiently robust to be dubbed "athletic."

The psychologist's report indicated that William might or might not be aggressive to girls in the future. "That's not much help," the Judge thought, "it could apply to most young men. Chances are the boy feels worse about the situation than the girl. At least he looks remorseful."

"William, do you realize you could have seriously injured that girl?"

"I didn't mean to hurt her. I thought it was what she wanted."

"That was a dangerous supposition, young man. I hope you realize by now that any use of violence in any circumstances can have the most serious consequences. Society doesn't regard such things lightly."

"Yes, sir."

"Besides the offense with the girl, you also ran away from the officer who was trying to arrest you."

"I'm sorry about that. I guess I lost my head."

"Are you in the habit of losing your head?"

"No, sir. I just wasn't thinking."

"William," the Judge said sternly, "I have serious doubts about allowing you to remain in the community. How do I know you won't lose your head again and really hurt someone the next time?"

"I promise, Judge. I won't do anything foolish again."

The Judge turned to Mrs. Price and said sympathetically, "I know it has been very difficult for you to raise William by yourself. It would be a pity for all that effort to go to waste."

Tears welled up in Mrs. Price's eyes. "Yes, your Honor. Please let William come home. I know he'll be good. And I've changed my job now so I can be with him more," she said in a trembling voice.

William's eyes were focused on his mother while she talked. The Judge noted that concern for her was mirrored in his face.

"How has Bill been doing since he came home from Juvenile Hall, Mrs. Price?"

"Just like always, Judge. He's a good boy."

"William," the Judge said, "what would you do with yourself if I allowed you to remain in your home?"

"Go to school."

"I see you are one year behind in your school grade. Do you plan to finish high school?"

"Yes, sir." William's face noticeably brightened.

"And then what do you plan to do?"

"I guess I'll go in the service."

The Judge looked at the probation officer. "Mr. Clarke, I'm going to follow your recommendation and make William a ward of the court and place him on probation. If he stays out of trouble during the next year, I want him brought back to court so we can terminate his case. By my calculation he could be off probation about nine or ten months before he graduates.This should be long enough so that his record will not hinder him from entering the service."

The Judge turned back to William. "I hope you've learned a lesson from this, **Son.** You stay out of trouble and you should have a good opportunity to make something of yourself. The burden is on you. Don't spoil your chances for a career and for a decent life for yourself and your mother."

"Thank you, Judge," Mrs. Price said. "William is a good boy. I don't think he'll make any more trouble for anyone."

She and her son left the room, the boy with his arm around her shoulders.

D I S C U S S I O N

Nowadays it is the rare judge who does not attempt to use psychological and psychiatric reports, when available, as an aid in making a disposition. Unfortunately, some judges regard such reports as dispositive per se of the basic issues. The clinician's generalizations concerning the youngster's intelligence, degree of disturbance, and potential manageability in the community are regarded as decisive in determining whether the youth should be committed to a custodial setting.

What these judges often fail to take into account is that the clinician may be unaware that his conclusions are going to be the sole basis for the disposition decision of the judge. In selected cases the judgment of the clinician may be more reliable than that of the judge, but in any case the clinician should be informed of the significance of his conclusions. Frequently this will make a difference in the information the clinician may want to draw upon and the evaluation he will eventually reach. For example, in William Price's case, if the clinician had known that his evaluation would be regarded by the court as containing the sole operative conclusions, he might have wanted to talk to the mother, read the primary social documents (school and police reports, etc.), interview the **Juvenile Hall** personnel, and consult with the probation officer concerning available alternative dispositions. (He would, however, have usurped the function of the probation officer if he had done this.)

Most judges feel that in all cases the disposition decision must be the court's and they regard the clinician's report as only another piece of information. The difficulty, however, is that few judges have been trained to evaluate such reports. Often they are expressed in language which, to put it mildly, means nothing to the judge. This is partly due to the clinician's technical vocabulary and partly to his different way of thinking about behavior. Yet the clinician can often shed light upon the seemingly irrational and childish aspects of behavior and so it is important for the judge to make a real attempt to bridge the communication barrier. One ideal method would be to have the clinician transmit his findings in person to the judge(as well as to the probation personnel who formulate recommendations for the judge). A give-and-take dialogue in an informal conference can help everyone keep his perspective and avoid the twin dangers of considering his clinical findings of paramount importance or dismissing them as worthless. It also can give the clinician a chance to interpret his findings in layman's language.

Unfortunately, such informal conferences are usually impractical due to lack of time, and the written reports must be heavily relied upon. Consequently, judicial personnel must make every effort to familiarize themselves with the basic concepts of psychology and psychiatry through special courses and institutes and their own reading. Although there is not space in this manual to undertake such a course of instruction, a few hints can be given here which may help the judge when evaluating clinicial reports.

First, the reports are made under difficult circumstances: an anxious, suspicious youngster, eager to put his best foot forward, meets the clinician who is under pressure to "come up with something." This is not the kind of soil in which mature reflection can be nourished.

Second, the questions posed to the clinician (e.g., "whether psychological findings indicate that William is a probable aggressive threat, and whether return to the home is a realistic solution") often require categorical answers which are beyond the clinician's capabilities. In clinics and hospitals where psychodiagnosis is accompanied by treatment, the evaluative report is of great usefulness in determining the style of treatment, the major problems that have to be dealt with,and the probable duration of treatment. In juvenile court, the clinician making the diagnostic study knows little or nothing about the final disposition and treatment of a given ward. Hence the clinician can often make no more than an educated guess.

Third, the clinician's conclusions are often decisively influenced by information gathered from nonpsychodiagnostic sources. For example, he will consider the facts surrounding the offense, but what would the psychologist have concluded about William Price if his only information about the events in the shack was the story originally told by the girl? Sometimes the physical appearance of the youth has an influence even though such subjective criteria are notoriously unreliable. (Note the differing descriptions of William Price by the Judge and by the psychologist.) Not infrequently the clinician will be influenced by the social information provided by the probation officer. (Note that the "deputy" was consulted "concerning background material" on William Price.)

Fourth, the clinician's conclusions are often influenced by his appraisal of the people who will utilize his report. For example, a few judges have a reputation for being very hard on offenders in sex cases. In a case such as William Price's, the clinician may feel that custodial treatment is not advisable and in order to buttress this recommendation he may tend to minimize findings which might cast doubt on the "safety" of returning the youth to the community. Judges who decry such practices might reflect that there would be no necessity for them if all cases were judged on their merits and not because they fit into pre-established categories.

Fifth, the clinician may compose his report so that it can be used as an aid in securing needed mental health services from community agencies not under the control of the court. All too often such services have long waiting lists and restrictive eligibility requirements. When the professional clinician feels that the youngster can remain in the community provided outpatient treatment is commenced, the psychodiagnostic report can be invaluable in persuading such agencies to give priority to court wards. Thus the report may contain facts which cause the judge to doubt the psychological stability of the youngster although these facts are intended only to allow easier access to clinical help.

(See, for example, the description of William Price's "conflict and unrest over the appropriate passive-aggressive components of a healthy male-female relationship" and the suggestion for a "supportive" supervision program.)

Sixth, the clinician may hope his psychodiagnostic report will be used as a guide by the probation officer who must supervise the youngster in the community. In William Price's probation report, the analysis of the boy's relationship with his mother was made the basis of a suggestion that the "supportive" treatment take the form of the provision of a "stable male figure." Assuming the correctness of the underlying psychodynamic theory, the Judge could justifiably make a disposition in the light of the actual implementation of this theory he can expect from his probation caseworkers.

One of the problems in juvenile court is that professional expertise often substitutes for good sense. The insights of psychiatrists and psychologists have opened up vistas of understanding not discernible to laymen, but the traditional and "superficial" approaches may often be wiser than ostensibly more sophisticated ones, especially when simple cases might be turned into needlessly complicated ones. For example, in William Price's case, how serious really had his conduct been? By his inexperienced fumbling he had inadvertently frightened an innocent girl, upset her concerned parents, and caused himself and his mother much anguish and embarrassment. His major shortcoming was really a lack of perspective on his conduct, not a will to defy the law or an inability to control his actions. Therefore, the Judge conceived of his task as twofold: first, to bring home to William the seriousness of his conduct and second, to ensure that the event would not destroy the boy's future chances.

Steve Bell's parents sat like statues on either side of him; only their occasional blinking destroyed this illusion. A few moments earlier the Judge had sustained the allegations of the petition on the basis of a full admission. He was now engrossed in reading the probation report.

Finally, he looked up. "Steve, didn't you know that having intercourse with the girl was against the law?

"I thought it was okay if I was under 18."

"Where did you ever pick up such an idea?"

"Oh, around. That's what the guys told me."

"Guys? You mean the boys in the scooter club?"

"Yeah, I guess so."

"Do you believe everything they tell you?"

"Well . . . ."

"Did they tell you about the legal consequences of fathering an illegitimate child? Or about the health hazard? And what about the effect on the girl?"

"I wasn't hurtin' her or nothin'. Anyways, she wasn't much."

"How did you know that?"

'Oh, the boys talk . . . ."

"I see you have a **16-year-old sister.** What if the boys would begin to talk about her? Would that give anyone the right to take advantage of her? Would that justify breaking the law?"

Steve didn't reply. Instead, face flushed, he shifted uneasily in his seat and looked down at the floor. The Judge waited a moment and then looked from one parent to the other.

"Mr. and Mrs. Bell, I'm worried about Steve. Not only has he broken the law but I'm not sure he realizes that there is something wrong with his thinking about what is right and what is wrong."

"Your Honor," Mr. Bell interjected, "it's probably my fault. I haven't been spending enough time with the kids. I'm going to have to get closer to them."

"I appreciate your sincerity, Mr. Bell, and the things the probation officer says you plan to do, like getting Steve to quit the scooter club and spending more time with him, are quite commendable. But I don't think they'll do much good unless Steve understands that the fault lies with him, not you. He's old enough now to accept responsibility for his actions. It's time he understood that he must begin to think for himself and not do something just because his friends tell him it is all right to do it."

"Judge," Mrs. Bell pleaded, "I know Steve won't do anything like this again. He's learned his lesson."

The Judge shrugged his shoulders and sighed. "Well, I hope you're right, Mrs. Bell."

"The Judge turned to the boy. "Steve, your parents have faith in you. Frankly, I don't think they are right. It seems to me you are more anxious for the approval of some of your so-called friends than of your father and mother. But maybe I'm wrong. I'll leave it up to you to show me."

He turned to the court reporter and recited in a dull monotone, "After having read and considered the probation report the disposition of the court is that Steven Bell is to be placed under the care and supervision of the probation department to reside with his parents. . ."

"Are you making him a ward of the court, Your Honor?" the clerk inquired.

"No, let's limit the probation period to six months." The Judge turned to Steve. "Son, largely because of your parents' faith I'm going to put you on probation for six months. If everything works out all right during that time the probation will be terminated.

Let's see if you can show me your parents are right and I'm wrong about you."

"Thank you, your Honor," Mr. and Mrs. Bell said almost in unison. Steve began to say something, then seemed to think better of it, but then finally said to the Judge, "You won't see me again." He got up and walked out of the courtroom with his parents.

DISCUSSION

Statistics show that most youths who come before the juvenile court never again become involved with law enforcement agencies. Decreasing the number of second offenders may, in fact, be the chief task of the judge and other juvenile workers. The case of Steve Bell well illustrates one of the major obstacles in carrying out this task.

Stop for a moment and think about the situation from Steve's point of view. He was in court as the result of an act which was "normal" and acceptable within his circle of friends and which would have gone unnoticed and unreported if it had not been for the complaint made against William Price. What lesson is he likely to learn from this series of events? He now knows that intercourse with girls under a certain age is illegal, but does he know it is "wrong?" The Judge says it is wrong but the very society that pays the judge's salary also rewards well the hucksters who sell sex and violence on billboards, television and in the movies, provides the factual base for the Kinsey Report and other research studies, and insists that status be given to those who are "popular" rather than to those who are "moral." These contradictory messages being transmitted to children in our society go a long way to explain much "delinquent" behavior.

Faced with this situation, how can court personnel best fulfill their task? One temptation is to overlook various kinds of illegal conduct, but this policy does not improve juvenile behavior and it will undermine the efforts of those who continue to insist that legal and moral standards must be adhered to. In the long run it will also result in a distinct disservice to many youngsters who, undeterred and uncorrected, will commit increasingly serious crimes and eventually find themselves in the criminal courts.

Another temptation is to give routine lectures on the evils of immoral conduct. This practice is not desirable: there is no evidence that it is efficacious and it may also prevent a search for more effective methods. Delivering a sermon may satisfy the judge's feeling that he should "do something", but precisely for that reason it can serve as an excuse not to pursue constructive alternatives.

A judge who relies on sermonizing usually does not understand the etiology of a youth's delinquent behavior. If he thinks a sermon is an effective treatment, he is likely to take stern punitive measures in dealing with continued delinquent behavior. Such a problem would never occur if the judge had little faith in the treatment to begin with. A youngster's recidivism may be more a testimony to the inadequacy of the treatment than to the inadequacy of the youngster.

Perhaps the greatest temptation is to conclude that the burden is on the youngsters to change themselves since each individual is "responsible." Ignoring abstract discussions of free will, retribution, and the like, it is clear that the criminal courts have long operated on this assumption with signal lack of success. Moreover, the clear intent of the legislature in setting up the juvenile court was to ground it on the quite different premise that youngsters who come under its jurisdiction are in need of "care and guidance."

This premise does not imply "softness" toward law breakers. It does imply that, no matter how seemingly irredeemable a youngster may be, and no matter how much or how often he must be restrained or incarcerated because he is a threat to society, hope must not be given up that he can be aided as long as the juvenile court retains jurisdiction.

The court must, of course, have at its disposal effective methods of treatment. Like a physician treating a patient, the court should make an individual judgment on each youngster and then utilize a treatment which seems best to suit his needs. Unfortunately, for many, perhaps most boys, adequate treatment is not yet at hand, but even now proper diagnosis and thoughtful analysis of the problems can increase the chances of a successful outcome.

Despite the above strictures there may be times when the judge can accomplish something positive through calculated admonitions and verbal manipulations during the hearing. In Steve Bell's case, there were special circumstances which might have justified the judge's efforts. First, the judge could have concluded from the probation report that Steve's self-identification as a delinquent was by no means complete. However, note that throughout the hearing, except perhaps for the enigmatic last statement to the Judge, Steve never positively acquiesced in the court's appraisal of the "wrongness" of his conduct.

The boy was obviously more responsive to the values of his scooter group than to those of his parents or the court. Second, Steve's family was willing to take positive steps in an attempt to wean him away from his peer group attachments and strengthen his conventional values. Unfortunately, as the Judge intimated, the parents' success in this endeavor was doubtful because of their lack of knowledge of his membership in the scooter group. Third, Steve's prospects for successful entry into adult life were excellent because of the help he could expect from his uncle in securing adequate employment. Many current theorists in the field of juvenile delinquency feel that the best incentive to law-abiding behavior is to give the youngster a "stake" in conformity, to give him an opportunity to acquire status and consequently self-respect. In Steve's case, the possible "stake" was economic -- an opportunity to conform to the work ethic of society. For other youngsters **nonmaterial** stakes may also be effective incentives, e.g., athletic prowess, academic success, social popularity or simply acceptance and approval of the youngster by family, peers or adult authorities as an individual worthy of respect.

But what is the juvenile court to do with those youngsters without access to such stakes? Is it in a position to provide them? What in fact can or should the juvenile court attempt to provide in the way of treatment? Answering these questions constitutes the basic challenge currently facing the juvenile court.

Each day the juvenile court worker is called upon to make difficult professional decisions. As he takes action, he must continually inquire into the accuracy of his assumptions and the efficacy of his methods. Only in this way can he fulfill his obligation to develop better solutions to the problems which currently vex the juvenile court.

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INTRODUCTION

The philosophy of the juvenile court is a recent development. It has shifted the focus of attention from the offense, the main consideration in adult criminal cases, to the offender. This has created some problems which may undermine the spirit of the juvenile court law. Tappan discusses some of these dilemmas.

PHILOSOPHY OF THE JUVENILE COURT

"The Legal View"

"The problem of definition flows in part from the contrasting views of those who deal with the delinquent. Broadly considered, two chief general types of approach may be observed: the judicial, or legal, view and the administrative, or casework view. . . .

"In the legal approach to misconduct, it is customary to describe offenses and penalties in specific terms in order to protect the citizen from arbitrary or unjust acts of police and judicial authority and, at the same time, to secure the community against those whose conduct has been shown in court to be dangerous. Lawyer and judge are inclined to stress as a precondition of treatment through criminal courts the following requirements: (1) that a specific charge be alleged against the defendant, (2) that it be defined in definite terms by law, (3) that the offense be proved rather conclusively, (4) that protection be given to the accused during trial against conviction by false, misleading, prejudicial, irrelevant, or immaterial evidence . . . .

"In relation to the young delinquent, . . . this tradition of juristic liberalism has made for a partly "legalistic" handling of the offender, an attempt to distinguish as clearly as possible between delinquent and nondelinquent and to treat only the former with the sanctions of the state . . . . The full rigors of the criminal law are mitigated by reason of the offender's youth, but the judicial view would preserve in the hearings of children's courts a real test of the individual's status as a delinquent before applying to him the modern and individualized methods of treatment. The child is not a delinquent unless the court has found him so.

"The **Casework** Approach"

"In contrast . . . **casework** brings to behavior problems a distinctly different set of methods and values. Its aims, generally, are therapeutic: to aid in the resolution of the individual's maladjustment by seeking out the social roots of his difficulties and attempting to mitigate the conflicts that have caused disturbance. Casework, then, essays to deal with a wide assortment of personal and group problems that represent failures in man's personal and social adjustments. . . . Treating presumed causes and symptoms with methods devised to meet the particular needs of the individual situation is the essential function of casework.

"The practitioner in applied sociology and casework ideally is nonmoralistic and nonpunitive in approach . . . . The social worker's approach is less formal than that of the legal mind, since categories and qualities of problem conduct are not so precisely established in the content of case-work theory, nor are methods of treatment so definitively organized and equated, in general, to the problems of the case. . . . there must be a far wider province of administrative discretion in the practice of casework than is employed by the judge in attempting to allocate responsibility for deviant behavior and to prescribe treatment suited to the subject. . . .

". . . Social work is concerned with a multitude of problems of behavior that deviate from psychological, social, economic, and -- sometimes -- legal normality. In so far as the caseworker may deal with the law violator, he does so with the same nonmoralistic, nonpunitive assumptions that are applied to other deviants. . . . In the agency, his (the young antisocial child's) statutory infractions, if any, are not viewed separately from the remainder of his conduct but merely as incidents of the total problem to be dealt with for the purpose of improving adjustment. The focus of attention is upon the whole child. His illegalities are commonly interpreted as merely symptoms of the underlying maladjustments from which he suffers. . . . The very term "delinquent" is shunned because of its moralistic and legalistic implications. The child is called "unadjusted."

"Judicial-Administrative Blending in the Children's Court"

"In the modern juvenile court there is a compromising of the legal and casework approaches: an effort at sociolegal handling of the child. Legal influences are inevitable and necessary in a court; they may be seen in the age limitations for delinquency, in the statutory specification of particular conduct deemed to be delinquent, in the preservation of some measure of procedural regularity and of due process rights, and in the very effort itself to provide children with special protection. . . .

"After the birth of the juvenile court movement, the administrative approach received a great impetus from leaders in the field of juvenile probation who conceived the function of the court largely in terms of administrative social-work supervision, aimed at prevention and rehabilitation of problem cases . . . . There is an expanded administrative emphasis today on the need to find the underlying social and psychological maladjustments of the child in the court, to see the total problem, and to resolve his difficulties by probation treatment . . . .

"The trend noted here has been fostered by the general terms in the provisions of children's court acts, which permit wide discretionary latitude in adjudication and treatment on the basis of vague standards of the conduct and the attitude of the child. . . . The growth of administrative process is seen in the efforts of juvenile courts today to prevent misconduct through supervision by probation officers and to deal with children's problems in their early stages before more serious recalcitrance may develop. . . .

"The administrative approach is revealed further by the quite successful resistance that comes frequently from probation officers, sometimes even from the judges themselves, to the legal requirements of proving an offense, excluding hearsay and prejudicial testimony, allowing counsel to the defendant, and permitting appeal. . . . There is a marked tendency among many leaders of the juvenile court movement today, in considering the child to be merely "unfortunate" or "unadjusted", to avoid reference to delinquency itself . . . .

"This wedding of judicial and administrative process has not produced a wholly compatible marriage. Each strains to dominate the union -- with results that are not always beneficial to the child . . . . The special danger is that in an "overlegalistic" court the experience of trial will be severe and traumatic. . . . In an "oversocialized" tribunal, on the other hand, there is danger that individuals will be exposed to court machinery and treatment who do not require state sanctions and who may, indeed, be injured by the crude tools to which courts are limited in their treatment efforts.

". . . Here concern has been only with the two conflicting spheres of ideology that have had so much to do with the determination of the official delinquent through the actual operation of the juvenile courts. The inclination of the court to assume a judicial attitude, on the one hand, or the administrative approach, on the other, determines to an important extent the probabilities of a child's being found delinquent and may influence as well the type of treatment he receives."

SUMMARY

The social philosophy which animates the juvenile court law shifts the emphasis from the offense to the offender and raises problems about the rights of juveniles. Experience with the problems of juveniles in court will probably suggest some formula that will direct our attention to underlying problems without de-emphasizing due process.

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